



**OHMVR COMMISSION MEETING
Folsom, CA 95630**

September 9, 2016

STAFF REPORT: Legislative Update
STAFF: Tina Williams, OHMVR State Park Superintendent
SUBJECT: September 2016 California and Federal Legislation Summary Report

Summary

This report provides summary excerpts and status of bills that may affect the Off-Highway Motor Vehicle Recreation (OHMVR) Program. Information contained in this report is accurate as of September 2, 2016.

2015 - 2016 CALIFORNIA LEGISLATION UPDATE

SBX1-1 (Beall) Transportation Funding: Environmental Mitigation: Oversight.

Note: This summary will only address Section 20 of this bill which amends Revenue and Taxation Code §8352.6 regarding the Off-Highway Vehicle Trust Fund.

This bill would redirect funding from the Motor Vehicle Fuel Account (*which has been diverted from the OHV Trust Fund to the General Fund since 2012*) to the Highway Users Tax Account. The purpose of this bill is to address the state's deferred maintenance on roads and highways and also to fund the state's transportation infrastructure.

Latest Major Action: 8/29/2016 - From Committee with Author's amendments. Read second time and amended. Re-referred to Committee Appropriations.

SB 1345 (Berryhill): Combined Motorized Use Pilot Project

Summary: Existing law authorizes Inyo County to establish a pilot project to designate combined-use highways in order to link together existing roads in unincorporated areas of the county to other existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles. This pilot project sunsets in January 1, 2017.

This legislation would extend the Inyo County combined-use pilot project until January 1, 2020. The bill would prohibit a combined-use highway road segment or combination of adjacent combined-use highway road segments from exceeding 10 miles. Additionally,

this bill would require the Department, CHP and Caltrans to collaborate with Inyo County to develop and submit an evaluation report of the pilot project to the Legislature by January 1, 2019.

Latest Major Action: 8/26/16 – Approved by the Governor and Chaptered by the Secretary of State. Chapter 217, Statutes of 2016.

AB 2175 (Jones) Fuel Taxes Off-Highway Vehicle Trust Fund

Summary: This bill would eliminate the State Controller requirement of withholding \$833,000 from the Off-Highway Vehicle (OHV) Trust Fund to transfer to the General fund and would instead allow the funding to remain in the OHV Trust Fund.

Latest Major Action: 7/01/16 –Failed deadline. Dead.

ABX1-26 (Frazier) Transportation Funding

Note: This summary will only address Section 20 of this bill which amends Revenue and Taxation Code §8352.6 regarding the Off-Highway Vehicle Trust Fund.

This bill would redirect funding from the Motor Vehicle Fuel Account (*which has been diverted from the OHV Trust Fund to the General Fund since 2012*) to the Highway Users Tax Account. The purpose of this bill is to address the state's deferred maintenance on roads and highways and also to fund the state's transportation infrastructure.

Latest Major Action: 8/31/2016 - Re-refer to Com. on T. & I.D.

2015 - 2016 114th US CONGRESS FEDERAL LEGISLATION UPDATE

S. 414 (Feinstein): California Desert Conservation and Recreation Act of 2015

Summary: This bill is an attempt to achieve consensus on the various uses of desert land. It is the result of years of engagement with a range of stakeholders including environmental groups, local and state government officials, off-highway recreation enthusiasts, cattle ranchers, mining interests, the Department of Defense, wind and solar energy companies, California's public utility companies and many others. The legislation also directs the Secretary of the Interior to complete several studies that would include stakeholders, state and local government's input. For a complete listing of this legislation, please see the attached bill.

The bill's key off-highway vehicle provisions:

Designate five existing BLM Off-Highway Vehicle areas (covering approximately 143,000 acres of California desert) as permanent Off-Highway Vehicle (OHV) recreation areas, providing off-highway enthusiasts certainty that these uses of the desert will be protected

in a manner similar to conservation areas. (Details contained in Title XVIII, Off-Highway Recreation Areas located on pages 86-100 of the Act.)

Latest Major Action: 10/08/15 – Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held.

S. 1040 (Heller) Off-Highway Consumer Product Safety Commission and the National Academy of Sciences Study

Summary: This bill would direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

Latest Major Action: 5/20/15 – Committee on Commerce, Science, and Transportation. Bill amended and passed out of Committee.

HR 792 (Griffith): No Net Increase in Lands. “Acre In, Acre Out Act.”

Summary: This bill would provide for no net increase in the total acreage of certain federal and under the jurisdiction of the BLM, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

Latest Major Action: 3/16/15 – Referred to the House Natural Resources Subcommittee on Federal Lands.

HR 999 (Pompeo): The ROV In-Depth Examination Act

Summary: The Consumer Product Safety Commission shall have no authority to: (1) establish recreational off-highway vehicle (ROV) performance or configuration standards until the study required by this Act is completed, or (2) require ROV manufacturers to provide performance and technical data to prospective purchasers and to the first purchaser of an ROV for purposes other than resale.

The Commission shall contract with the National Academy of Sciences to determine:

- the technical validity of the lateral stability and vehicle handling requirements proposed by the Commission for purposes of reducing the risk of ROV off-road rollovers,
- the number of ROV rollovers that would be prevented if the proposed requirements were adopted,
- whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale, and

- the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted

Latest Major Action: 2/20/15 –Referred to the Subcommittee on Commerce, Manufacturing, and Trade.

HR 1838 (Farr): Clear Creek National Recreation Area and Conservation Act

Summary: This bill would establish the Clear Creek National Recreation Area (CCNRA) in Fresno and San Benito Counties and designate a new Joaquin Rocks Wilderness to be managed by the Bureau of Land Management (BLM). This legislation would direct the BLM to develop a map and legal description of the CCNRA and manage the CCNRA to prioritize environmentally responsible off-highway vehicle (OHV) recreation and also facilitate access to hunting, hiking, and rock hounding. This bill would serve to reopen the Clear Creek Management Area (CCMA) which has been closed to OHV recreation since 2008. This legislation also designates several creek segments as Wild and Scenic Rivers, totaling approximately 30 miles of creek segments in the vicinity of the CCMA. On 7/5/2016 the title of the measure was amended and agreed to without objection.

Latest Major Action: 07/16/16 – Received in the Senate. Referred to the Committee on Energy and Natural Resources.

HR 3668 (Cook) California Minerals, Off-Road Recreation, and Conservation Act

Summary: This bill would expand certain off-highway vehicle recreation areas in the State of California and designate as wilderness certain public lands in the State of California, administered by the Bureau of Land Management; would expand the Death Valley National Park Wilderness and the San Geronio Wilderness in San Bernardino National Forest; and would also ensure the conservation and necessary management of wildlife in these wilderness areas, and to establish the Mojave Trails Special Management Area in the State, and for other purposes.

The bill's key off-highway vehicle provisions:

Designate six National Off-Highway Vehicle Recreation Areas including Spangler Hills, El Mirage, Stoddard Valley, Rasor, Dumont Dunes, and Johnson Valley. Three of these areas would be expanded to include El Mirage (680 acres), Spangler Hills (41,000 acres) and Johnson Valley (19,393 acres).

Latest Major Action: 12/09/15 – Hearing: House Natural Resources Subcommittee on Federal Lands.

HR 4060 (Vargas): Imperial Valley Desert Conservation and Recreation Act

Summary: This bill directs the Department of the Interior to convey to the State of California approximately 934 acres of specified public lands administered by the Bureau of Land Management (BLM) in San Diego County in order to allow California to include it as part of the Anza-Borrego Desert State Park.

The Department of Transportation shall seek a conveyance from Interior of approximately 3,500 acres of BLM-administered land adjacent to the Imperial County Holtville Airport in Imperial County, California, to allow the county to expand the airport.

The bill establishes the Vinagre Wash Special Management Area in California, which shall consist of approximately 81,880 acres of certain public lands in Imperial County. Interior shall manage specified lands in the Management Area to preserve their character for eventual inclusion in the National Wilderness Preservation System.

Latest Major Action: 11/30/15 – Referred to the Subcommittee on Federal Lands.

HR 5129 (LaMalfa): Guides and Outfitters Act

Summary: This bill would allow the Secretary of the Interior and the Secretary of Agriculture to streamline the process of issuing special recreation permits to local OHV clubs, outfitters and guides. The measure also caps permit fees, and provides categorical exclusions for previously studied uses to eliminate duplicative studies that delay permits.

Latest Major Action: 5/20/2016 – Referred to the Subcommittee on Conservation and Forestry

Commission Action

For information only

Attachments

SBX1-1 (Amended)
SB 1345 (Chaptered)
AB 2175 (Amended)
ABX1-26 (Amended)
S 414 – pages 86-100
S 1040
HR792
HR 999
HR 1838
HR 3668
HR 4060
HR 5129

AMENDED IN SENATE AUGUST 29, 2016
AMENDED IN SENATE AUGUST 24, 2016
AMENDED IN SENATE APRIL 21, 2016
AMENDED IN SENATE SEPTEMBER 1, 2015
AMENDED IN SENATE AUGUST 25, 2015
AMENDED IN SENATE JULY 14, 2015

CALIFORNIA LEGISLATURE—2015–16 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 1

Introduced by Senator Beall

(Principal coauthor: Assembly Member Frazier)

**(Coauthors: Senators Allen, Hall, Hertzberg, McGuire, and
Mendoza)**

June 22, 2015

An act to amend Sections 13975, 14500, 14526.5, and 16965 of, to add Sections 14033, 14526.7, and 16321 to, to add Part 5.1 (commencing with Section 14460) to Division 3 of Title 2 of, and to repeal Section 14534.1 of, the Government Code, to amend Section 39719 of the Health and Safety Code, to amend Section 21080.37 of, and to add Division 13.6 (commencing with Section 21200) to, the Public Resources Code, to amend Section 99312.1 of the Public Utilities Code, to amend Sections 6051.8, 6201.8, 7360, 8352.4, 8352.5, 8352.6, and 60050 of the Revenue and Taxation Code, to amend Sections 183.1, 820.1, 2192, 2192.1, and 2192.2 of, to add Sections 2103.1 and 2192.4 to, and to add Chapter 2 (commencing with Section 2030) to Division 3 of, the Streets and Highways Code, and to add Sections 9250.3, 9250.6, and 9400.5 to the Vehicle Code, relating to transportation, making an

appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Beall. Transportation funding.

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account.

This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a \$0.17 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, an increase of \$38 in the annual vehicle registration fee with an inflation adjustment, as provided, a new \$165 annual vehicle registration fee with an inflation adjustment, as provided, applicable to zero-emission motor vehicles, as defined, and certain miscellaneous revenues described in (7) below that are not restricted as to expenditure by Article XIX of the California Constitution.

This bill would annually set aside \$200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant to guidelines to be developed by the California Transportation

Commission in consultation with local agencies. The bill would require \$80,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the Active Transportation Program. The bill would require \$30,000,000 of the funds available for the program in each of 4 fiscal years beginning in 2017–18 to be transferred to the Advance Mitigation Fund created by the bill pursuant to (12) below. The bill would continuously appropriate \$2,000,000 annually of the funds available for the program to the California State University for the purpose of conducting transportation research and transportation-related workforce education, training, and development. The bill would require the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80.

The bill would also require the department to annually identify savings achieved through efficiencies implemented at the department and to propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to \$70,000,000 from the State Highway Account for expenditure on the Active Transportation Program.

(2) Existing law establishes in state government the Transportation Agency, which includes various departments and state entities, including the California Transportation Commission. Existing law vests the California Transportation Commission with specified powers, duties, and functions relative to transportation matters. Existing law requires the commission to retain independent authority to perform the duties and functions prescribed to it under any provision of law.

This bill would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

(3) Existing law creates various state agencies, including the Department of Transportation, the High-Speed Rail Authority, the Department of the California Highway Patrol, the Department of Motor Vehicles, and the State Air Resources Board, with specified powers

and duties. Existing law provides for the allocation of state transportation funds to various transportation purposes.

This bill would create the Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that all of the above-referenced state agencies and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would provide for the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would provide that the Transportation Inspector General may not be removed from office during the term except for good cause. The bill would specify the duties and responsibilities of the Transportation Inspector General and would require an annual report to the Legislature and Governor.

This bill would require the department to update the Highway Design Manual to incorporate the “complete streets” design concept by January 1, 2017.

(4) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.

This bill would require the Department of Finance, on or before September 1, 2016, to compute the amount of outstanding loans made from specified transportation funds. The bill would require the Department of Transportation to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to cities and counties and to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(5) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors

Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes.

This bill would deposit the revenues attributable to a \$0.30 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridors Improvement Fund. The bill would require revenues apportioned to the state from the national highway freight program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.

Existing law requires the commission, in determining projects eligible for funding, to consult various state freight and regional infrastructure and goods movement plans and the statewide port master plan.

This bill would delete consideration of the State Air Resources Board's Sustainable Freight Strategy and the statewide port master plan and would instead include consideration of the applicable port master plan when determining eligible projects for funding. The bill would also expand eligible projects to include rail landside access improvements, landside freight access improvements to airports, and certain capital and operational improvements.

(6) Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 10% of the annual proceeds of the fund to the Transit and Intercity Rail Capital Program and 5% of the annual proceeds of the fund to the Low Carbon Transit Operations Program.

This bill would, beginning in the 2016–17 fiscal year, instead continuously appropriate 20% of those annual proceeds to the Transit and Intercity Rail Capital Program and 10% of those annual proceeds to the Low Carbon Transit Operations Program, thereby making an appropriation.

(7) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Existing law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller

to transfer from the fund to the General Fund an amount of those revenues necessary to offset the current year debt service made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116 of 1990.

This bill would delete the transfer of these miscellaneous revenues to the Transportation Debt Service Fund, thereby eliminating the offsetting transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. The bill, subject to a specified exception, would instead require the miscellaneous revenues to be retained in the State Highway Account and to be deposited in the Road Maintenance and Rehabilitation Account.

(8) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.

This bill, commencing July 1, 2016, would instead transfer to the Highway Users Tax Account for allocation to state and local transportation purposes under a specified formula the portion of gasoline excise tax revenues currently being deposited in the General Fund that are attributable to boats, agricultural vehicles, and off-highway vehicles. Because that account is continuously appropriated, the bill would make an appropriation.

(9) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral.

This bill would eliminate the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose the higher gasoline excise tax rate that was in effect on July

1, 2010, in addition to the increase in the rate described in paragraph (1).

Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these revenues to the Controller for allocation by formula to transportation agencies for public transit purposes.

This bill would increase the additional sales and use tax on diesel fuel by an additional 3.5%. By increasing the revenues deposited in a continuously appropriated fund, the bill would thereby make an appropriation. The bill would restrict expenditures of revenues from this increase in the sales and use tax on diesel fuel to transit capital purposes and certain transit services and would require a recipient transit agency to comply with certain requirements, including submitting a list of proposed projects to the Department of Transportation, as a condition of receiving a portion of these funds. The bill would require an existing required audit of transit operator finances to verify that these new revenues have been expended in conformance with these specific restrictions and all other generally applicable requirements.

This bill would, beginning July 1, 2019, and every 3rd year thereafter, require the State Board of Equalization to recompute the gasoline and diesel excise tax rates and the additional sales and use tax rate on diesel fuel based upon the percentage change in the California Consumer Price Index transmitted to the board by the Department of Finance, as prescribed.

(10) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan.

This bill would add to the program capital projects relative to the operation of those state highways and bridges. The bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after February 1, 2017, would also require the commission to make an allocation of all capital and support costs for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(11) Existing law imposes weight fees on the registration of commercial motor vehicles and provides for the deposit of net weight fee revenues into the State Highway Account. Existing law provides for the transfer of certain weight fee revenues from the State Highway Account to the Transportation Debt Service Fund to reimburse the General Fund for payment of debt service on general obligation bonds issued for transportation purposes. Existing law also provides for the transfer of certain weight fee revenues to the Transportation Bond Direct Payment Account for direct payment of debt service on designated bonds, which are defined to be certain transportation general obligation bonds issued pursuant to Proposition 1B of 2006. Existing law also provides for loans of weight fee revenues to the General Fund to the extent the revenues are not needed for bond debt service purposes, with the loans to be repaid when the revenues are later needed for those purposes, as specified.

This bill, notwithstanding these provisions or any other law, would only authorize specified percentages of weight fee revenues to be transferred from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds in accordance with a prescribed schedule and would prohibit the transfer of weight fee revenues from the State Highway Account after the 2020–21 fiscal year.

The bill would also prohibit loans of weight fee revenues to the General Fund.

(12) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA, until January 1, 2020, exempts a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined, other than a state roadway, if the project or activity is carried out by a city or county with a population of less than 100,000 persons to improve public safety and meets other specified requirements.

This bill would extend the above-referenced exemption indefinitely and delete the limitation of the exemption to projects or activities in cities and counties with a population of less than 100,000 persons. The bill would also expand the exemption to include state roadways.

This bill would also establish the Advance Mitigation Program in the Department of Transportation. The bill would authorize the department to undertake mitigation measures in advance of construction of a planned transportation project. The bill would require the department to establish a steering committee to advise the department on advance mitigation measures and related matters. The bill would create the Advance Mitigation Fund as a continuously appropriated revolving fund, to be funded initially from the Road Maintenance and Rehabilitation Program pursuant to (1) above. The bill would provide for reimbursement of the revolving fund at the time a planned transportation project benefiting from advance mitigation is constructed.

(13) Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2017, provides that the State of California consents to the jurisdiction of the federal courts with regard

to the compliance, discharge, or enforcement of the responsibilities the Department of Transportation assumed as a participant in this program.

This bill would delete the January 1, 2017, repeal date, thereby extending these provisions indefinitely.

(14) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Over the next 10 years, the state faces a \$59 billion shortfall
4 to adequately maintain the existing state highway system in order
5 to keep it in a basic state of good repair.

6 (b) Similarly, cities and counties face a \$78 billion shortfall
7 over the next decade to adequately maintain the existing network
8 of local streets and roads.

9 (c) Statewide taxes and fees dedicated to the maintenance of
10 the system have not been increased in more than 20 years, with
11 those revenues losing more than 55 percent of their purchasing
12 power, while costs to maintain the system have steadily increased
13 and much of the underlying infrastructure has aged past its expected
14 useful life.

15 (d) California motorists are spending \$17 billion annually in
16 extra maintenance and car repair bills, which is more than \$700
17 per driver, due to the state's poorly maintained roads.

18 (e) Failing to act now to address this growing problem means
19 that more drastic measures will be required to maintain our system
20 in the future, essentially passing the burden on to future generations
21 instead of doing our job today.

22 (f) A funding program will help address a portion of the
23 maintenance backlog on the state's road system and will stop the
24 growth of the problem.

25 (g) Modestly increasing various fees can spread the cost of road
26 repairs broadly to all users and beneficiaries of the road network
27 without overburdening any one group.

28 (h) Improving the condition of the state's road system will have
29 a positive impact on the economy as it lowers the transportation

costs of doing business, reduces congestion impacts for employees, and protects property values in the state.

(i) The federal government estimates that increased spending on infrastructure creates more than 13,000 jobs per \$1 billion spent.

(j) Well-maintained roads benefit all users, not just drivers, as roads are used for all modes of transport, whether motor vehicles, transit, bicycles, or pedestrians.

(k) Well-maintained roads additionally provide significant health benefits and prevent injuries and death due to crashes caused by poorly maintained infrastructure.

(l) A comprehensive, reasonable transportation funding package will do all of the following:

(1) Ensure these transportation needs are addressed.

(2) Fairly distribute the economic impact of increased funding.

(3) Restore the gas tax rate previously reduced by the State Board of Equalization pursuant to the gas tax swap.

(4) Direct increased revenue to the state's highest transportation needs.

SEC. 2. Section 13975 of the Government Code is amended to read:

13975. There is in the state government the Transportation Agency. The agency consists of the Department of the California Highway Patrol, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.

SEC. 3. Section 14033 is added to the Government Code, to read:

14033. On or before January 1, 2017, the department shall update the Highway Design Manual to incorporate the "complete streets" design concept.

SEC. 4. Part 5.1 (commencing with Section 14460) is added to Division 3 of Title 2 of the Government Code, to read:

PART 5.1. OFFICE OF THE TRANSPORTATION INSPECTOR
GENERAL

14460. (a) There is hereby created in state government the independent Office of the Transportation Inspector General, which shall not be a subdivision of any other governmental entity, to

1 ensure that the Department of Transportation, the High-Speed Rail
2 Authority, the Department of the California Highway Patrol, the
3 Department of Motor Vehicles, the State Air Resources Board,
4 and all other state agencies expending state transportation funds
5 are operating efficiently, effectively, and in compliance with
6 applicable federal and state laws.

7 (b) The Governor shall appoint, subject to confirmation by the
8 Senate, the Transportation Inspector General to a six-year term.
9 The Transportation Inspector General may not be removed from
10 office during that term, except for good cause. A finding of good
11 cause may include substantial neglect of duty, gross misconduct,
12 or conviction of a crime. The reasons for removal of the
13 Transportation Inspector General shall be stated in writing and
14 shall include the basis for removal. The writing shall be sent to
15 the Secretary of the Senate and the Chief Clerk of the Assembly
16 at the time of the removal and shall be deemed to be a public
17 document.

18 14461. The Transportation Inspector General shall review
19 policies, practices, and procedures and conduct audits and
20 investigations of activities involving state transportation funds in
21 consultation with all affected state agencies. Specifically, the
22 Transportation Inspector General's duties and responsibilities shall
23 include, but not be limited to, all of the following:

24 (a) To examine the operating practices of all state agencies
25 expending state transportation funds to identify fraud and waste,
26 opportunities for efficiencies, and opportunities to improve the
27 data used to determine appropriate project resource allocations.

28 (b) To identify best practices in the delivery of transportation
29 projects and develop policies or recommend proposed legislation
30 enabling state agencies to adopt these practices when practicable.

31 (c) To provide objective analysis of and, when possible, offer
32 solutions to concerns raised by the public or generated within
33 agencies involving the state's transportation infrastructure and
34 project delivery methods.

35 (d) To conduct, supervise, and coordinate audits and
36 investigations relating to the programs and operations of all state
37 transportation agencies with state-funded transportation projects.

38 (e) To recommend policies promoting economy and efficiency
39 in the administration of programs and operations of all state
40 agencies with state-funded transportation projects.

1 (f) To ensure that the Secretary of Transportation and the
2 Legislature are fully and currently informed concerning fraud or
3 other serious abuses or deficiencies relating to the expenditure of
4 funds or administration of programs and operations.

5 14462. The Transportation Inspector General shall report at
6 least annually to the Governor and Legislature with a summary of
7 his or her findings, investigations, and audits. The summary shall
8 be posted on the Transportation Inspector General's Internet Web
9 site and shall otherwise be made available to the public upon its
10 release to the Governor and Legislature. The summary shall
11 include, but need not be limited to, significant problems discovered
12 by the Transportation Inspector General and whether
13 recommendations of the Transportation Inspector General relative
14 to investigations and audits have been implemented by the affected
15 agencies. The report shall be submitted to the Legislature in
16 compliance with Section 9795.

17 SEC. 5. Section 14500 of the Government Code is amended
18 to read:

19 14500. There is in state government a California Transportation
20 Commission. The commission shall act in an independent oversight
21 role.

22 SEC. 6. Section 14526.5 of the Government Code is amended
23 to read:

24 14526.5. (a) Based on the asset management plan prepared
25 and approved pursuant to Section 14526.4, the department shall
26 prepare a state highway operation and protection program for the
27 expenditure of transportation funds for major capital improvements
28 that are necessary to preserve and protect the state highway system.
29 Projects included in the program shall be limited to improvements
30 relative to maintenance, safety, rehabilitation, and operation of
31 state highways and bridges that do not add a new traffic lane to
32 the system.

33 (b) The program shall include projects that are expected to be
34 advertised prior to July 1 of the year following submission of the
35 program, but which have not yet been funded. The program shall
36 include those projects for which construction is to begin within
37 four fiscal years, starting July 1 of the year following the year the
38 program is submitted.

39 (c) (1) The department, at a minimum, shall specify, for each
40 project in the state highway operation and protection program, the

1 capital and support budget for each of the following project
2 components:

- 3 (A) Project approval and environmental documents.
- 4 (B) Plans, specifications, and estimates.
- 5 (C) Rights-of-way.
- 6 (D) Construction.

7 (2) The department shall specify, for each project in the state
8 highway operation and protection program, a projected delivery
9 date for each of the following components:

- 10 (A) Environmental document completion.
- 11 (B) Plans, specifications, and estimate completion.
- 12 (C) Right-of-way certification.
- 13 (D) Start of construction.

14 (d) The department shall submit its proposed program to the
15 commission not later than January 31 of each even-numbered year.
16 Prior to submitting its proposed program, the department shall
17 make a draft of its proposed program available to transportation
18 planning agencies for review and comment and shall include the
19 comments in its submittal to the commission. The department shall
20 provide the commission with detailed information for all
21 programmed projects, including, but not limited to, cost, scope,
22 schedule, and performance metrics as determined by the
23 commission.

24 (e) The commission shall review the proposed program relative
25 to its overall adequacy, consistency with the asset management
26 plan prepared and approved pursuant to Section 14526.4 and
27 funding priorities established in Section 167 of the Streets and
28 Highways Code, the level of annual funding needed to implement
29 the program, and the impact of those expenditures on the state
30 transportation improvement program. The commission shall adopt
31 the program and submit it to the Legislature and the Governor not
32 later than April 1 of each even-numbered year. The commission
33 may decline to adopt the program if the commission determines
34 that the program is not sufficiently consistent with the asset
35 management plan prepared and approved pursuant to Section
36 14526.4.

37 (f) As part of the commission's review of the program required
38 pursuant to subdivision (a), the commission shall hold at least one
39 hearing in northern California and one hearing in southern
40 California regarding the proposed program.

1 (g) Expenditures for these projects shall not be subject to
2 Sections 188 and 188.8 of the Streets and Highways Code.

3 (h) Following adoption of the state highway operation and
4 protection program by the commission, any change to a
5 programmed project shall be submitted as an amendment by the
6 department to the commission for its approval before the change
7 may be implemented.

8 SEC. 7. Section 14526.7 is added to the Government Code, to
9 read:

10 14526.7. (a) On and after February 1, 2017, an allocation by
11 the commission of all capital and support costs for each project in
12 the state highway operation and protection program shall be
13 required.

14 (b) For a project that experiences increases in capital or support
15 costs above the amounts in the commission's allocation pursuant
16 to subdivision (a), a supplemental project allocation request shall
17 be submitted by the department to the commission for approval.

18 (c) The commission shall establish guidelines to provide
19 exceptions to the requirement of subdivision (b) that the
20 commission determines are necessary to ensure that projects are
21 not unnecessarily delayed.

22 SEC. 8. Section 14534.1 of the Government Code is repealed.

23 SEC. 9. Section 16321 is added to the Government Code, to
24 read:

25 16321. (a) Notwithstanding any other law, on or before
26 September 1, 2016, the Department of Finance shall compute the
27 amount of outstanding loans made from the State Highway
28 Account, the Motor Vehicle Fuel Account, the Highway Users
29 Tax Account, and the Motor Vehicle Account to the General Fund.
30 The department shall prepare a loan repayment schedule, pursuant
31 to which the outstanding loans shall be repaid, as follows:

32 (1) On or before June 30, 2017, 50 percent of the outstanding
33 loan amounts.

34 (2) On or before June 30, 2018, the remainder of the outstanding
35 loan amounts.

36 (b) Notwithstanding any other law, as the loans are repaid
37 pursuant to this section, the repaid funds shall be transferred in the
38 following manner:

1 (1) Fifty percent to cities and counties pursuant to clauses (i)
2 and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of
3 Section 2103 of the Streets and Highways Code.

4 (2) Fifty percent to the department for maintenance of the state
5 highway system and for purposes of the state highway operation
6 and protection program.

7 (c) Funds for loan repayments pursuant to this section are hereby
8 appropriated from the Budget Stabilization Account pursuant to
9 subclause (II) of clause (ii) of subparagraph (B) of paragraph (1)
10 of subdivision (c) of Section 20 of Article XVI of the California
11 Constitution.

12 SEC. 10. Section 16965 of the Government Code is amended
13 to read:

14 16965. (a) (1) The Transportation Debt Service Fund is hereby
15 created in the State Treasury. Moneys in the fund shall be dedicated
16 to all of the following purposes:

17 (A) Payment of debt service with respect to designated bonds,
18 as defined in subdivision (c) of Section 16773, and as further
19 provided in paragraph (3) and subdivision (b).

20 (B) To reimburse the General Fund for debt service with respect
21 to bonds.

22 (C) To redeem or retire bonds, pursuant to Section 16774,
23 maturing in a subsequent fiscal year.

24 (2) The bonds eligible under subparagraph (B) or (C) of
25 paragraph (1) include bonds issued pursuant to the Passenger Rail
26 and Clean Air Bond Act of 1990 (Chapter 17 (commencing with
27 Section 2701) of Division 3 of the Streets and Highways Code),
28 the Seismic Retrofit Bond Act of 1996 (Chapter 12.48
29 (commencing with Section 8879) of Division 1 of Title 2), and the
30 Safe, Reliable High-Speed Passenger Train Bond Act for the 21st
31 Century (Chapter 20 (commencing with Section 2704) of Division
32 3 of the Streets and Highways Code), and nondesignated bonds
33 under Proposition 1B, as defined in subdivision (c) of Section
34 16773.

35 (3) (A) The Transportation Bond Direct Payment Account is
36 hereby created in the State Treasury, as a subaccount within the
37 Transportation Debt Service Fund, for the purpose of directly
38 paying the debt service, as defined in paragraph (4), of designated
39 bonds of Proposition 1B, as defined in subdivision (c) of Section
40 16773. Notwithstanding Section 13340, moneys in the

1 Transportation Bond Direct Payment Account are continuously
2 appropriated for payment of debt service with respect to designated
3 bonds as provided in subdivision (c) of Section 16773. So long as
4 any designated bonds remain outstanding, the moneys in the
5 Transportation Bond Direct Payment Account may not be used
6 for any other purpose, and may not be borrowed by or available
7 for transfer to the General Fund pursuant to Section 16310 or any
8 similar law, or to the General Cash Revolving Fund pursuant to
9 Section 16381 or any similar law.

10 (B) Once the Treasurer makes a certification that payment of
11 debt service with respect to all designated bonds has been paid or
12 provided for, any remaining moneys in the Transportation Bond
13 Direct Payment Account shall be transferred back to the
14 Transportation Debt Service Fund.

15 (C) The moneys in the Transportation Bond Direct Payment
16 Account shall be invested in the Surplus Money Investment Fund,
17 and all investment earnings shall accrue to the account.

18 (D) The Controller may establish subaccounts within the
19 Transportation Bond Direct Payment Account as may be required
20 by the resolution, indenture, or other documents governing any
21 designated bonds.

22 (4) For purposes of this subdivision and subdivision (b), and
23 subdivision (c) of Section 16773, “debt service” means payment
24 of all of the following costs and expenses with respect to any
25 designated bond:

26 (A) The principal of and interest on the bonds.

27 (B) Amounts payable as the result of tender on any bonds, as
28 described in clause (iv) of subparagraph (B) of paragraph (1) of
29 subdivision (d) of Section 16731.

30 (C) Amounts payable under any contractual obligation of the
31 state to repay advances and pay interest thereon under a credit
32 enhancement or liquidity agreement as described in clause (iv) of
33 subparagraph (B) of paragraph (1) of subdivision (d) of Section
34 16731.

35 (D) Any amount owed by the state to a counterparty after any
36 offset for payments owed to the state on any hedging contract as
37 described in subparagraph (A) of paragraph (2) of subdivision (d)
38 of Section 16731.

39 (b) From the moneys transferred to the fund pursuant to
40 paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the

Vehicle Code, there shall first be deposited into the Transportation Bond Direct Payment Account in each month sufficient funds to equal the amount designated in a certificate submitted by the Treasurer to the Controller and the Director of Finance at the start of each fiscal year, and as may be modified by the Treasurer thereafter upon issuance of any new issue of designated bonds or upon change in circumstances that requires such a modification. This certificate shall be calculated by the Treasurer to identify, for each month, the amount necessary to fund all of the debt service with respect to all designated bonds. This calculation shall be done in a manner provided in the resolution, indenture, or other documents governing the designated bonds. In the event that transfers to the Transportation Bond Direct Payment Account in any month are less than the amounts required in the Treasurer's certificate, the shortfall shall carry over to be part of the required payment in the succeeding month or months.

(c) The state hereby covenants with the holders from time to time of any designated bonds that it will not alter, amend, or restrict the provisions of subdivision (c) of Section 16773 of the Government Code, or Sections 9400, 9400.1, 9400.4, and 42205 of the Vehicle Code, which provide directly or indirectly for the transfer of weight fees to the Transportation Debt Service Fund or the Transportation Bond Direct Payment Account, or subdivisions (a) and (b) of this section, or reduce the rate of imposition of vehicle weight fees under Sections 9400 and 9400.1 of the Vehicle Code as they existed on the date of the first issuance of any designated bonds, if that alteration, amendment, restriction, or reduction would result in projected weight fees for the next fiscal year determined by the Director of Finance being less than two times the maximum annual debt service with respect to all outstanding designated bonds, as such calculation is determined pursuant to the resolution, indenture, or other documents governing the designated bonds. The state may include this covenant in the resolution, indenture, or other documents governing the designated bonds.

(d) Once the required monthly deposit, including makeup of any shortfalls from any prior month, has been made pursuant to subdivision (b), from moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the

1 Controller shall transfer as an expenditure reduction to the General
2 Fund any amount necessary to offset the cost of current year debt
3 service payments made from the General Fund with respect to any
4 bonds issued pursuant to Proposition 192 (1996) and three-quarters
5 of the amount of current year debt service payments made from
6 the General Fund with respect to any nondesignated bonds, as
7 defined in subdivision (c) of Section 16773, issued pursuant to
8 Proposition 1B (2006). In the alternative, these funds may also be
9 used to redeem or retire the applicable bonds, pursuant to Section
10 16774, maturing in a subsequent fiscal year as directed by the
11 Director of Finance.

12 (e) Once the required monthly deposit, including makeup of
13 any shortfalls from any prior month, has been made pursuant to
14 subdivision (b), from moneys transferred to the fund pursuant to
15 paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the
16 Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the
17 Controller shall transfer as an expenditure reduction to the General
18 Fund any amount necessary to offset the eligible cost of current
19 year debt service payments made from the General Fund with
20 respect to any bonds issued pursuant to Proposition 108 (1990)
21 and Proposition 1A (2008), and one-quarter of the amount of
22 current year debt service payments made from the General Fund
23 with respect to any nondesignated bonds, as defined in subdivision
24 (c) of Section 16773, issued pursuant to Proposition 1B (2006).
25 The Department of Finance shall notify the Controller by July 30
26 of every year of the percentage of debt service that is expected to
27 be paid in that fiscal year with respect to bond-funded projects that
28 qualify as eligible guideway projects consistent with the
29 requirements applicable to the expenditure of revenues under
30 Article XIX of the California Constitution, and the Controller shall
31 make payments only for those eligible projects. In the alternative,
32 these funds may also be used to redeem or retire the applicable
33 bonds, pursuant to Section 16774, maturing in a subsequent fiscal
34 year as directed by the Director of Finance.

35 (f) On or before the second business day following the date on
36 which transfers are made to the Transportation Debt Service Fund,
37 and after the required monthly deposits for that month, including
38 makeup of any shortfalls from any prior month, have been made
39 to the Transportation Bond Direct Payment Account, the Controller
40 shall transfer the funds designated for reimbursement of bond debt

1 service with respect to nondesignated bonds, as defined in
2 subdivision (c) of Section 16773, and other bonds identified in
3 subdivisions (d) and (e) in that month from the fund to the General
4 Fund pursuant to this section.

5 SEC. 11. Section 39719 of the Health and Safety Code is
6 amended to read:

7 39719. (a) The Legislature shall appropriate the annual
8 proceeds of the fund for the purpose of reducing greenhouse gas
9 emissions in this state in accordance with the requirements of
10 Section 39712.

11 (b) To carry out a portion of the requirements of subdivision
12 (a), annual proceeds are continuously appropriated for the
13 following:

14 (1) Beginning in the 2016–17 fiscal year, and notwithstanding
15 Section 13340 of the Government Code, 50 percent of annual
16 proceeds are continuously appropriated, without regard to fiscal
17 years, for transit, affordable housing, and sustainable communities
18 programs as following:

19 (A) Twenty percent of the annual proceeds of the fund is hereby
20 continuously appropriated to the Transportation Agency for the
21 Transit and Intercity Rail Capital Program created by Part 2
22 (commencing with Section 75220) of Division 44 of the Public
23 Resources Code.

24 (B) Ten percent of the annual proceeds of the fund is hereby
25 continuously appropriated to the Low Carbon Transit Operations
26 Program created by Part 3 (commencing with Section 75230) of
27 Division 44 of the Public Resources Code. Moneys shall be
28 allocated by the Controller, according to requirements of the
29 program, and pursuant to the distribution formula in subdivision
30 (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of,
31 the Public Utilities Code.

32 (C) Twenty percent of the annual proceeds of the fund is hereby
33 continuously appropriated to the Strategic Growth Council for the
34 Affordable Housing and Sustainable Communities Program created
35 by Part 1 (commencing with Section 75200) of Division 44 of the
36 Public Resources Code. Of the amount appropriated in this
37 subparagraph, no less than 10 percent of the annual proceeds shall
38 be expended for affordable housing, consistent with the provisions
39 of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

- (A) Acquisition and construction costs of the project.
- (B) Environmental review and design costs of the project.
- (C) Other capital costs of the project.
- (D) Repayment of any loans made to the authority to fund the project.

(c) In determining the amount of annual proceeds of the fund for purposes of the calculation in subdivision (b), the funds subject to Section 39719.1 shall not be included.

SEC. 12. Section 21080.37 of the Public Resources Code is amended to read:

21080.37. (a) This division does not apply to a project or an activity to repair, maintain, or make minor alterations to an existing roadway if all of the following conditions are met:

- (1) (A) The project does not cross a waterway.
- (B) For purposes of this paragraph, “waterway” means a bay, estuary, lake, pond, river, slough, or a perennial, intermittent, or ephemeral stream, lake, or estuarine-marine shoreline.

(2) The project involves negligible or no expansion of an existing use beyond that existing at the time of the lead agency’s determination.

(3) (A) The site of the project does not contain wetlands or riparian areas and does not have significant value as a wildlife habitat, and the project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance.

(B) For the purposes of this paragraph:

- (i) “Riparian areas” mean those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by

1 gradients in biophysical conditions, ecological processes, and biota.
2 A riparian area is an area through which surface and subsurface
3 hydrology connect waterbodies with their adjacent uplands. A
4 riparian area includes those portions of terrestrial ecosystems that
5 significantly influence exchanges of energy and matter with aquatic
6 ecosystems. A riparian area is adjacent to perennial, intermittent,
7 and ephemeral streams, lakes, and estuarine-marine shorelines.

8 (ii) “Significant value as a wildlife habitat” includes wildlife
9 habitat of national, statewide, regional, or local importance; habitat
10 for species protected by the federal Endangered Species Act of
11 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered
12 Species Act (Chapter 1.5 (commencing with Section 2050) of
13 Division 3 of the Fish and Game Code), or the Native Plant
14 Protection Act (Chapter 10 (commencing with Section 1900) of
15 Division 2 of the Fish and Game Code); habitat identified as
16 candidate, fully protected, sensitive, or species of special status
17 by local, state, or federal agencies; or habitat essential to the
18 movement of resident or migratory wildlife.

19 (iii) “Wetlands” has the same meaning as in the United States
20 Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

21 (iv) “Wildlife habitat” means the ecological communities upon
22 which wild animals, birds, plants, fish, amphibians, and
23 invertebrates depend for their conservation and protection.

24 (4) The project does not impact cultural resources.

25 (5) The roadway does not affect scenic resources, as provided
26 pursuant to subdivision (c) of Section 21084.

27 (b) Prior to determining that a project is exempt pursuant to this
28 section, the lead agency shall do both of the following:

29 (1) Include measures in the project to mitigate potential
30 vehicular traffic and safety impacts and bicycle and pedestrian
31 safety impacts.

32 (2) Hold a noticed public hearing on the project to hear and
33 respond to public comments. The hearing on the project may be
34 conducted with another noticed lead agency public hearing.
35 Publication of the notice shall be no fewer times than required by
36 Section 6061 of the Government Code, by the public agency in a
37 newspaper of general circulation in the area.

38 (c) For purposes of this section, “roadway” means a roadway
39 as defined pursuant to Section 530 of the Vehicle Code and the
40 previously graded and maintained shoulder that is within a roadway

1 right-of-way of no more than five feet from the edge of the
2 roadway.

3 (d) (1) If a state agency determines that a project is not subject
4 to this division pursuant to this section and it approves or
5 determines to carry out that project, it shall file a notice with the
6 Office of Planning and Research in the manner specified in
7 subdivisions (b) and (c) of Section 21108.

8 (2) If a local agency determines that a project is not subject to
9 this division pursuant to this section and it approves or determines
10 to carry out that project, it shall file a notice with the Office of
11 Planning and Research, and with the county clerk in the county in
12 which the project will be located in the manner specified in
13 subdivisions (b) and (c) of Section 21152.

14 SEC. 13. Division 13.6 (commencing with Section 21200) is
15 added to the Public Resources Code, to read:

16
17 DIVISION 13.6. ADVANCE MITIGATION PROGRAM ACT

18
19 CHAPTER 1. GENERAL

20
21 21200. This division shall be known, and may be cited, as the
22 Advance Mitigation Program Act.

23 21201. (a) The purpose of this division is to improve the
24 success and effectiveness of actions implemented to mitigate the
25 natural resource impacts of future transportation projects by
26 establishing the means to implement those actions well before the
27 transportation projects are constructed. The advance identification
28 and implementation of mitigation actions also will streamline the
29 delivery of transportation projects by anticipating mitigation
30 requirements for planned transportation projects and avoiding or
31 reducing delays associated with environmental permitting. By
32 identifying regional or statewide conservation priorities and by
33 anticipating the impacts of planned transportation projects on a
34 regional or statewide basis, mitigation actions can be designed to
35 protect and restore California's most valuable natural resources
36 and also facilitate environmental compliance for planned
37 transportation projects on a regional scale.

38 (b) This division is not intended to create a new environmental
39 permitting or regulatory program or to modify existing
40 environmental laws or regulations, nor is it expected that all

1 mitigation requirements will be addressed for planned
2 transportation projects. Instead, it is intended to provide a
3 methodology with which to anticipate and fulfill the requirements
4 of existing state and federal environmental laws that protect fish,
5 wildlife, plant species, and other natural resources more efficiently
6 and effectively.

7 21202. The Legislature finds and declares all of the following:

8 (a) The minimization and mitigation of environmental impacts
9 is ordinarily handled on a project-by-project basis, usually near
10 the end of a project's timeline and often without guidance regarding
11 regional or statewide conservation priorities.

12 (b) The cost of critical transportation projects often escalates
13 because of permitting delays that occur when appropriate
14 conservation and mitigation measures cannot easily be identified
15 and because the cost of these measures often increases between
16 the time a project is planned and funded and the time mitigation
17 is implemented.

18 (c) Addressing conservation and mitigation needs early in a
19 project's timeline, during the project design and development
20 phase, can reduce costs, allow natural resources conservation to
21 be integrated with project siting and design, and result in the
22 establishment of more valuable and productive habitat mitigation.

23 (d) When the Department of Transportation is able to anticipate
24 the mitigation needs for planned transportation projects, it can
25 meet those needs in a more timely and cost-effective way by using
26 advance mitigation planning.

27 (e) Working with state and federal resource protection agencies,
28 the department can identify, conserve, and, where appropriate,
29 restore lands for mitigation of numerous projects early in the
30 projects' timelines, thereby allowing public funds to stretch further
31 by acquiring habitat at a lower cost and avoiding environmental
32 permitting delays.

33 (f) Advance mitigation can provide an effective means of
34 facilitating delivery of transportation projects while ensuring more
35 effective natural resource conservation.

36 (g) Advance mitigation is needed to direct mitigation funding
37 for transportation projects to agreed-upon conservation priorities
38 and to the creation of habitat reserves and recreation areas that
39 enhance the sustainability of human and natural systems by

1 protecting or restoring connectivity of natural communities and
2 the delivery of ecosystem services.

3 (h) Advance mitigation can facilitate the implementation of
4 climate change adaptation strategies both for ecosystems and
5 California's economy.

6 (i) Advance mitigation can enable the state to protect, restore,
7 and recover its natural resources as it strengthens and improves
8 its transportation systems.

9 21203. The Legislature intends to do all of the following by
10 enacting this division:

11 (a) Facilitate delivery of transportation projects while ensuring
12 more effective natural resource conservation.

13 (b) Develop effective strategies to improve the state's ability to
14 meet mounting demands for transportation improvements and to
15 maximize conservation and other public benefits.

16 (c) Achieve conservation objectives of statewide and regional
17 importance by coordinating local, state, and federally funded
18 natural resource conservation efforts with mitigation actions
19 required for impacts from transportation projects.

20 (d) Create administrative, governance, and financial incentives
21 and mechanisms necessary to ensure that measures required to
22 minimize or mitigate impacts from transportation projects will
23 serve to achieve regional or statewide natural resource conservation
24 objectives.

25
26 CHAPTER 2. DEFINITIONS
27

28 21204. For purposes of this division, the following terms have
29 the following meanings:

30 (a) "Acquire" and "acquisition" mean, with respect to land or
31 a waterway, acquisition of fee title or purchase of a conservation
32 easement, that protects conservation and mitigation values on the
33 land or waterway in perpetuity.

34 (b) "Advance mitigation" means mitigation implemented before,
35 and in anticipation of, environmental effects of planned
36 transportation projects.

37 (c) "Commission" means the California Transportation
38 Commission.

39 (d) "Department" means the Department of Transportation.

(e) “Transportation agency” means the department, the High-Speed Rail Authority, a metropolitan planning organization, a regional transportation planning agency, or another public agency that implements transportation projects.

(f) “Transportation project” means a transportation capital improvement project.

(g) “Planned transportation project” means a transportation project that a transportation agency has concluded is reasonably likely to be constructed within 20 years and that has been identified to the agency for purposes of this division. A planned transportation project may include, but is not limited to, a transportation project that has been proposed for approval or that has been approved.

(h) “Program” means the Advance Mitigation Program implemented pursuant to this division.

(i) “Regulatory agency” means a state or federal natural resource protection agency with regulatory authority over planned transportation projects. A regulatory agency includes, but is not limited to, the Natural Resources Agency, the Department of Fish and Wildlife, California regional water quality control boards, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Environmental Protection Agency, and the United States Army Corps of Engineers.

CHAPTER 3. ADVANCE MITIGATION PROGRAM

21205. (a) The Advance Mitigation Program is hereby created in the department to accelerate project delivery and improve environmental outcomes of environmental mitigation for planned transportation projects.

(b) The program may utilize mitigation instruments, including, but not limited to, mitigation banks, in lieu of fee programs, and conservation easements as defined in Section 815.1 of the Civil Code.

(c) The department shall track all implemented advance mitigation projects to use as credits for environmental mitigation for state-sponsored transportation projects.

(d) The department may use advance mitigation credits to fulfill mitigation requirements of any environmental law for a transportation project eligible for the State Transportation

1 Improvement Program or the State Highway Operation and
2 Protection Program.

3 21206. No later than February 1, 2017, the department shall
4 establish an interagency transportation advance mitigation steering
5 committee consisting of the department and appropriate state and
6 federal regulatory agencies to support the program so that advance
7 mitigation can be used as required mitigation for planned
8 transportation projects and can provide improved environmental
9 outcomes. The committee shall advise the department of
10 opportunities to carry out advance mitigation projects, provide the
11 best available science, and actively participate in mitigation
12 instrument reviews and approvals. The committee shall seek to
13 develop streamlining opportunities, including those related to
14 landscape scale mitigation planning and alignment of federal and
15 state regulations and procedures related to mitigation requirements
16 and implementation. The committee shall also provide input on
17 crediting, using, and tracking of advance mitigation investments.

18 21207. The Advance Mitigation Fund is hereby created in the
19 State Transportation Fund as a revolving fund. Notwithstanding
20 Section 13340 of the Government Code, the fund shall be
21 continuously appropriated without regard to fiscal years. The
22 moneys in the fund shall be programmed by the commission for
23 the planning and implementation of advance mitigation projects
24 consistent with the purposes of this chapter. After the transfer of
25 moneys to the fund for four fiscal years pursuant to subdivision
26 (c) of Section 2032 of the Streets and Highways Code, commencing
27 in the 2017–18 fiscal year, the program is intended to be
28 self-sustaining. Advance expenditures from the fund shall later be
29 reimbursed from project funding available at the time a planned
30 transportation project is constructed. A maximum of 5 percent of
31 available funds may be used for administrative purposes.

32 21208. *The program is intended to improve the efficiency and*
33 *efficacy of mitigation only and is not intended to supplant the*
34 *requirements of the California Environmental Quality Act (Division*
35 *13 (commencing with Section 21000)) or any other environmental*
36 *law. The identification of planned transportation projects and of*
37 *mitigation projects or measures for planned transportation projects*
38 *under this division does not imply or require approval of those*
39 *projects for purposes of the California Environmental Quality Act*

1 *(Division 13 (commencing with Section 21000)) or any other*
2 *environmental law.*

3 SEC. 14. Section 99312.1 of the Public Utilities Code is
4 amended to read:

5 99312.1. (a) Revenues transferred to the Public Transportation
6 Account pursuant to Sections 6051.8 and 6201.8 of the Revenue
7 and Taxation Code are hereby continuously appropriated to the
8 Controller for allocation as follows:

9 (1) Fifty percent for allocation to transportation planning
10 agencies, county transportation commissions, and the San Diego
11 Metropolitan Transit Development Board pursuant to Section
12 99314.

13 (2) Fifty percent for allocation to transportation agencies, county
14 transportation commissions, and the San Diego Metropolitan
15 Transit Development Board for purposes of Section 99313.

16 (b) For purposes of this chapter, the revenues allocated pursuant
17 to this section shall be subject to the same requirements as revenues
18 allocated pursuant to subdivisions (b) and (c), as applicable, of
19 Section 99312.

20 (c) The revenues transferred to the Public Transportation
21 Account that are attributable to the increase in the sales and use
22 tax on diesel fuel pursuant to subdivision (b) of Section 6051.8 of
23 the Revenue and Taxation Code, as adjusted pursuant to
24 subdivision (c) of that section, and subdivision (b) of Section
25 6201.8 of the Revenue and Taxation Code, as adjusted pursuant
26 to subdivision (c) of that section, upon allocation pursuant to
27 Sections 99313 and 99314, shall only be expended on the
28 following:

29 (1) Transit capital projects or services to maintain or repair a
30 transit operator's existing transit vehicle fleet or existing transit
31 facilities, including rehabilitation or modernization of existing
32 vehicles or facilities.

33 (2) The design, acquisition, and construction of new vehicles
34 or facilities that improve existing transit services.

35 (3) Transit services that complement local efforts for repair and
36 improvement of local transportation infrastructure.

37 (d) (1) Prior to receiving an apportionment of funds pursuant
38 to subdivision (c) from the Controller in a fiscal year, a recipient
39 transit agency shall submit to the Department of Transportation a
40 list of projects proposed to be funded with these funds. The list of

1 projects proposed to be funded with these funds shall include a
2 description and location of each proposed project, a proposed
3 schedule for the project's completion, and the estimated useful life
4 of the improvement. The project list shall not limit the flexibility
5 of a recipient transit agency to fund projects in accordance with
6 local needs and priorities so long as the projects are consistent
7 with subdivision (c).

8 (2) The department shall report to the Controller the recipient
9 transit agencies that have submitted a list of projects as described
10 in this subdivision and that are therefore eligible to receive an
11 apportionment of funds for the applicable fiscal year. The
12 Controller, upon receipt of the report, shall apportion funds
13 pursuant to Sections 99313 and 99314.

14 (e) For each fiscal year, each recipient transit agency receiving
15 an apportionment of funds pursuant to subdivision (c) shall, upon
16 expending those funds, submit documentation to the department
17 that includes a description and location of each completed project,
18 the amount of funds expended on the project, the completion date,
19 and the estimated useful life of the improvement.

20 (f) The audit of transit operator finances required pursuant to
21 Section 99245 shall verify that the revenues identified in
22 subdivision (c) have been expended in conformance with these
23 specific requirements and all other generally applicable
24 requirements.

25 SEC. 15. Section 6051.8 of the Revenue and Taxation Code
26 is amended to read:

27 6051.8. (a) Except as provided by Section 6357.3, in addition
28 to the taxes imposed by this part, for the privilege of selling
29 tangible personal property at retail a tax is hereby imposed upon
30 all retailers at the rate of 1.75 percent of the gross receipts of any
31 retailer from the sale of all diesel fuel.

32 (b) Except as provided by Section 6357.3, in addition to the
33 taxes imposed by this part and by subdivision (a), for the privilege
34 of selling tangible personal property at retail a tax is hereby
35 imposed upon all retailers at the rate of 3.5 percent of the gross
36 receipts of any retailer from the sale of all diesel fuel, as defined
37 in Section 60022, sold at retail in this state. The tax imposed under
38 this subdivision shall be imposed on and after the first day of the
39 first calendar quarter that occurs 90 days after the effective date
40 of the act adding this subdivision.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

(d) Notwithstanding subdivision (b) of Section 7102, all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation pursuant to Section 99312.1 of the Public Utilities Code.

SEC. 16. Section 6201.8 of the Revenue and Taxation Code is amended to read:

6201.8. (a) Except as provided by Section 6357.3, in addition to the taxes imposed by this part, an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 1.75 percent of the sales price of the diesel fuel.

(b) Except as provided by Section 6357.3, in addition to the taxes imposed by this part and by subdivision (a), an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 3.5 percent of the sales price of the diesel fuel. The tax imposed under this subdivision shall be imposed on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subdivision.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

(d) Notwithstanding subdivision (b) of Section 7102, all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation pursuant to Section 99312.1 of the Public Utilities Code.

SEC. 17. Section 7360 of the Revenue and Taxation Code is amended to read:

7360. (a) (1) (A) A tax of eighteen cents (\$0.18) is hereby imposed upon each gallon of fuel subject to the tax in Sections 7362, 7363, and 7364.

(B) In addition to the tax imposed pursuant to subparagraph (A), on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subparagraph, a tax of seventeen cents (\$0.17) is hereby imposed upon each gallon of fuel, other than aviation gasoline, subject to the tax in Sections 7362, 7363, and 7364.

(2) If the federal fuel tax is reduced below the rate of nine cents (\$0.09) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by

1 subparagraph (A) of paragraph (1), on and after the date of the
2 reduction, shall be recalculated by an amount so that the combined
3 state rate under subparagraph (A) of paragraph (1) and the federal
4 tax rate per gallon equal twenty-seven cents (\$0.27).

5 (3) If any person or entity is exempt or partially exempt from
6 the federal fuel tax at the time of a reduction, the person or entity
7 shall continue to be so exempt under this section.

8 (b) On and after July 1, 2010, in addition to the tax imposed by
9 subdivision (a), a tax is hereby imposed upon each gallon of motor
10 vehicle fuel, other than aviation gasoline, subject to the tax in
11 Sections 7362, 7363, and 7364 in an amount equal to seventeen
12 and three-tenths cents (\$0.173) per gallon.

13 (c) Beginning July 1, 2019, and every third year thereafter, the
14 State Board of Equalization shall recompute the rates of the taxes
15 imposed by this section. That computation shall be made as
16 follows:

17 (1) The Department of Finance shall transmit to the State Board
18 of Equalization the percentage change in the California Consumer
19 Price Index for all items from November of three calendar years
20 prior to November of the prior calendar year, no later than January
21 31, 2019, and January 31 of every third year thereafter.

22 (2) The State Board of Equalization shall do all of the following:

23 (A) Compute an inflation adjustment factor by adding 100
24 percent to the percentage change figure that is furnished pursuant
25 to paragraph (1) and dividing the result by 100.

26 (B) Multiply the preceding tax rate per gallon by the inflation
27 adjustment factor determined in subparagraph (A) and round off
28 the resulting product to the nearest tenth of a cent.

29 (C) Make its determination of the new rate no later than March
30 1 of the same year as the effective date of the new rate.

31 SEC. 18. Section 8352.4 of the Revenue and Taxation Code
32 is amended to read:

33 8352.4. (a) Subject to Sections 8352 and 8352.1, and except
34 as otherwise provided in subdivision (b), there shall be transferred
35 from the money deposited to the credit of the Motor Vehicle Fuel
36 Account to the Harbors and Watercraft Revolving Fund, for
37 expenditure in accordance with Division 1 (commencing with
38 Section 30) of the Harbors and Navigation Code, the sum of six
39 million six hundred thousand dollars (\$6,600,000) per annum,
40 representing the amount of money in the Motor Vehicle Fuel

1 Account attributable to taxes imposed on distributions of motor
2 vehicle fuel used or usable in propelling vessels. The actual amount
3 shall be calculated using the annual reports of registered boats
4 prepared by the Department of Motor Vehicles for the United
5 States Coast Guard and the formula and method of the December
6 1972 report prepared for this purpose and submitted to the
7 Legislature on December 26, 1972, by the Director of
8 Transportation. If the amount transferred during each fiscal year
9 is in excess of the calculated amount, the excess shall be
10 retransferred from the Harbors and Watercraft Revolving Fund to
11 the Motor Vehicle Fuel Account. If the amount transferred is less
12 than the amount calculated, the difference shall be transferred from
13 the Motor Vehicle Fuel Account to the Harbors and Watercraft
14 Revolving Fund. No adjustment shall be made if the computed
15 difference is less than fifty thousand dollars (\$50,000), and the
16 amount shall be adjusted to reflect any temporary or permanent
17 increase or decrease that may be made in the rate under the Motor
18 Vehicle Fuel Tax Law. Payments pursuant to this section shall be
19 made prior to payments pursuant to Section 8352.2.

20 (b) Commencing July 1, 2016, the revenues attributable to the
21 taxes imposed pursuant to subdivision (b) of Section 7360 and
22 Section 7361.1 and otherwise to be deposited in the Harbors and
23 Watercraft Revolving Fund pursuant to subdivision (a) shall instead
24 be transferred to the Highway Users Tax Account for distribution
25 pursuant to Section 2103.1 of the Streets and Highways Code.

26 SEC. 19. Section 8352.5 of the Revenue and Taxation Code
27 is amended to read:

28 8352.5. (a) (1) Subject to Sections 8352 and 8352.1, and
29 except as otherwise provided in subdivision (b), there shall be
30 transferred from the money deposited to the credit of the Motor
31 Vehicle Fuel Account to the Department of Food and Agriculture
32 Fund, during the second quarter of each fiscal year, an amount
33 equal to the estimate contained in the most recent report prepared
34 pursuant to this section.

35 (2) The amounts are not subject to Section 6357 with respect
36 to the collection of sales and use taxes thereon, and represent the
37 portion of receipts in the Motor Vehicle Fuel Account during a
38 calendar year that were attributable to agricultural off-highway
39 use of motor vehicle fuel which is subject to refund pursuant to
40 Section 8101, less gross refunds allowed by the Controller during

1 the fiscal year ending June 30 following the calendar year to
2 persons entitled to refunds for agricultural off-highway use
3 pursuant to Section 8101. Payments pursuant to this section shall
4 be made prior to payments pursuant to Section 8352.2.

5 (b) Commencing July 1, 2016, the revenues attributable to the
6 taxes imposed pursuant to subdivision (b) of Section 7360 and
7 Section 7361.1 and otherwise to be deposited in the Department
8 of Food and Agriculture Fund pursuant to subdivision (a) shall
9 instead be transferred to the Highway Users Tax Account for
10 distribution pursuant to Section 2103.1 of the Streets and Highways
11 Code.

12 (c) On or before September 30, 2012, and on or before
13 September 30 of each even-numbered year thereafter, the Director
14 of Transportation and the Director of Food and Agriculture shall
15 jointly prepare, or cause to be prepared, a report setting forth the
16 current estimate of the amount of money in the Motor Vehicle
17 Fuel Account attributable to agricultural off-highway use of motor
18 vehicle fuel, which is subject to refund pursuant to Section 8101
19 less gross refunds allowed by the Controller to persons entitled to
20 refunds for agricultural off-highway use pursuant to Section 8101;
21 and they shall submit a copy of the report to the Legislature.

22 SEC. 20. Section 8352.6 of the Revenue and Taxation Code
23 is amended to read:

24 8352.6. (a) (1) Subject to Section 8352.1, and except as
25 otherwise provided in paragraphs (2) and (3), on the first day of
26 every month, there shall be transferred from moneys deposited to
27 the credit of the Motor Vehicle Fuel Account to the Off-Highway
28 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
29 an amount attributable to taxes imposed upon distributions of motor
30 vehicle fuel used in the operation of motor vehicles off highway
31 and for which a refund has not been claimed. Transfers made
32 pursuant to this section shall be made prior to transfers pursuant
33 to Section 8352.2.

34 (2) Commencing July 1, 2016, the revenues attributable to the
35 taxes imposed pursuant to subdivision (b) of Section 7360 and
36 Section 7361.1 and otherwise to be deposited in the Off-Highway
37 Vehicle Trust Fund pursuant to paragraph (1) shall instead be
38 transferred to the Highway Users Tax Account for distribution
39 pursuant to Section 2103.1 of the Streets and Highways Code.

1 (3) The Controller shall withhold eight hundred thirty-three
2 thousand dollars (\$833,000) from the monthly transfer to the
3 Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and
4 transfer that amount to the General Fund.

5 (b) The amount transferred to the Off-Highway Vehicle Trust
6 Fund pursuant to paragraph (1) of subdivision (a), as a percentage
7 of the Motor Vehicle Fuel Account, shall be equal to the percentage
8 transferred in the 2006–07 fiscal year. Every five years, starting
9 in the 2013–14 fiscal year, the percentage transferred may be
10 adjusted by the Department of Transportation in cooperation with
11 the Department of Parks and Recreation and the Department of
12 Motor Vehicles. Adjustments shall be based on, but not limited
13 to, the changes in the following factors since the 2006–07 fiscal
14 year or the last adjustment, whichever is more recent:

15 (1) The number of vehicles registered as off-highway motor
16 vehicles as required by Division 16.5 (commencing with Section
17 38000) of the Vehicle Code.

18 (2) The number of registered street-legal vehicles that are
19 anticipated to be used off highway, including four-wheel drive
20 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

21 (3) Attendance at the state vehicular recreation areas.

22 (4) Off-highway recreation use on federal lands as indicated by
23 the United States Forest Service’s National Visitor Use Monitoring
24 and the United States Bureau of Land Management’s Recreation
25 Management Information System.

26 (c) It is the intent of the Legislature that transfers from the Motor
27 Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund
28 should reflect the full range of motorized vehicle use off highway
29 for both motorized recreation and motorized off-road access to
30 other recreation opportunities. Therefore, the Legislature finds that
31 the fuel tax baseline established in subdivision (b), attributable to
32 off-highway estimates of use as of the 2006–07 fiscal year,
33 accounts for the three categories of vehicles that have been found
34 over the years to be users of fuel for off-highway motorized
35 recreation or motorized access to nonmotorized recreational
36 pursuits. These three categories are registered off-highway
37 motorized vehicles, registered street-legal motorized vehicles used
38 off highway, and unregistered off-highway motorized vehicles.

39 (d) It is the intent of the Legislature that the off-highway motor
40 vehicle recreational use to be determined by the Department of

1 Transportation pursuant to paragraph (2) of subdivision (b) be that
2 usage by vehicles subject to registration under Division 3
3 (commencing with Section 4000) of the Vehicle Code, for
4 recreation or the pursuit of recreation on surfaces where the use
5 of vehicles registered under Division 16.5 (commencing with
6 Section 38000) of the Vehicle Code may occur.

7 (e) In the 2014–15 fiscal year, the Department of Transportation,
8 in consultation with the Department of Parks and Recreation and
9 the Department of Motor Vehicles, shall undertake a study to
10 determine the appropriate adjustment to the amount transferred
11 pursuant to subdivision (b) and to update the estimate of the amount
12 attributable to taxes imposed upon distributions of motor vehicle
13 fuel used in the operation of motor vehicles off highway and for
14 which a refund has not been claimed. The department shall provide
15 a copy of this study to the Legislature no later than January 1,
16 2016.

17 SEC. 21. Section 60050 of the Revenue and Taxation Code is
18 amended to read:

19 60050. (a) (1) A tax of thirteen cents (\$0.13) is hereby
20 imposed upon each gallon of diesel fuel subject to the tax in
21 Sections 60051, 60052, and 60058.

22 (2) If the federal fuel tax is reduced below the rate of fifteen
23 cents (\$0.15) per gallon and federal financial allocations to this
24 state for highway and exclusive public mass transit guideway
25 purposes are reduced or eliminated correspondingly, the tax rate
26 imposed by paragraph (1) shall be increased by an amount so that
27 the combined state rate under paragraph (1) and the federal tax
28 rate per gallon equal what it would have been in the absence of
29 the federal reduction.

30 (3) If any person or entity is exempt or partially exempt from
31 the federal fuel tax at the time of a reduction, the person or entity
32 shall continue to be exempt under this section.

33 (b) In addition to the tax imposed pursuant to subdivision (a),
34 on and after the first day of the first calendar quarter that occurs
35 90 days after the effective date of the act amending this subdivision
36 in the 2015 First Extraordinary Session, an additional tax of thirty
37 cents (\$0.30) is hereby imposed upon each gallon of diesel fuel
38 subject to the tax in Sections 60051, 60052, and 60058.

39 (c) Beginning July 1, 2019, and every third year thereafter, the
40 State Board of Equalization shall recompute the rates of the taxes

1 imposed by this section. That computation shall be made as
2 follows:

3 (1) The Department of Finance shall transmit to the State Board
4 of Equalization the percentage change in the California Consumer
5 Price Index for all items from November of three calendar years
6 prior to November of the prior calendar year, no later than January
7 31, 2019, and January 31 of every third year thereafter.

8 (2) The State Board of Equalization shall do all of the following:

9 (A) Compute an inflation adjustment factor by adding 100
10 percent to the percentage change figure that is furnished pursuant
11 to paragraph (1) and dividing the result by 100.

12 (B) Multiply the preceding tax rate per gallon by the inflation
13 adjustment factor determined in subparagraph (A) and round off
14 the resulting product to the nearest tenth of a cent.

15 (C) Make its determination of the new rate no later than March
16 1 of the same year as the effective date of the new rate.

17 SEC. 22. Section 183.1 of the Streets and Highways Code is
18 amended to read:

19 183.1. Except as otherwise provided in Section 54237.7 of the
20 Government Code, money deposited into the account that is not
21 subject to Article XIX of the California Constitution, including,
22 but not limited to, money that is derived from the sale of
23 documents, charges for miscellaneous services to the public,
24 condemnation deposits fund investments, rental of state property,
25 or any other miscellaneous uses of property or money, shall be
26 deposited in the Road Maintenance and Rehabilitation Account
27 created pursuant to Section 2031.

28 SEC. 23. Section 820.1 of the Streets and Highways Code is
29 amended to read:

30 820.1. (a) The State of California consents to the jurisdiction
31 of the federal courts with regard to the compliance, discharge, or
32 enforcement of the responsibilities assumed by the department
33 pursuant to Section 326 of, and subsection (a) of Section 327 of,
34 Title 23 of the United States Code.

35 (b) In any action brought pursuant to the federal laws described
36 in subdivision (a), no immunity from suit may be asserted by the
37 department pursuant to the Eleventh Amendment to the United
38 States Constitution, and any immunity is hereby waived.

1 (c) The department shall not delegate any of its responsibilities
2 assumed pursuant to the federal laws described in subdivision (a)
3 to any political subdivision of the state or its instrumentalities.

4 (d) Nothing in this section affects the obligation of the
5 department to comply with state and federal law.

6 SEC. 24. Chapter 2 (commencing with Section 2030) is added
7 to Division 3 of the Streets and Highways Code, to read:

8
9 CHAPTER 2. ROAD MAINTENANCE AND REHABILITATION
10 PROGRAM
11

12 2030. (a) The Road Maintenance and Rehabilitation Program
13 is hereby created to address deferred maintenance on the state
14 highway system and the local street and road system. Funds made
15 available by the program shall be prioritized for expenditure on
16 basic road maintenance and road rehabilitation projects, and on
17 critical safety projects. For funds appropriated pursuant to
18 paragraph (1) of subdivision (d) of Section 2032, the California
19 Transportation Commission shall adopt performance criteria,
20 consistent with the asset management plan required pursuant to
21 14526.4 of the Government Code, to ensure efficient use of the
22 funds available for these purposes in the program.

23 (b) (1) Funds made available by the program shall be used for
24 projects that include, but are not limited to, the following:

25 (A) Road maintenance and rehabilitation.

26 (B) Safety projects.

27 (C) Railroad grade separations.

28 (D) Complete street components, including active transportation
29 purposes, pedestrian and bicycle safety projects, transit facilities,
30 and drainage and stormwater capture projects in conjunction with
31 any other allowable project.

32 (E) Traffic control devices.

33 (2) Funds made available by the program may also be used to
34 satisfy a match requirement in order to obtain state or federal funds
35 for projects authorized by this subdivision.

36 2031. The following revenues shall be deposited in the Road
37 Maintenance and Rehabilitation Account, which is hereby created
38 in the State Transportation Fund:

39 (a) Notwithstanding subdivision (b) of Section 2103, the portion
40 of the revenues in the Highway Users Tax Account attributable to

1 the increase in the motor vehicle fuel excise tax by seventeen cents
2 (\$0.17) per gallon pursuant to subdivision (a) of Section 7360 of
3 the Revenue and Taxation Code, as adjusted pursuant to
4 subdivision (c) of that section.

5 (b) The revenues from the increase in the vehicle registration
6 fee pursuant to Section 9250.3 of the Vehicle Code.

7 (c) The revenues from the increase in the vehicle registration
8 fee pursuant to Section 9250.6 of the Vehicle Code.

9 (d) The revenues deposited in the account pursuant to Section
10 183.1 of the Streets and Highways Code.

11 (e) Any other revenues designated for the program.

12 2031.5. Each fiscal year the annual Budget Act shall contain
13 an appropriation from the Road Maintenance and Rehabilitation
14 Account to the Controller for the costs of carrying out his or her
15 duties pursuant to this chapter and to the California Transportation
16 Commission for the costs of carrying out its duties pursuant to this
17 chapter and Section 14526.7 of the Government Code.

18 2032. (a) (1) After deducting the amounts appropriated in the
19 annual Budget Act, as provided in Section 2031.5, two hundred
20 million dollars (\$200,000,000) of the remaining revenues deposited
21 in the Road Maintenance and Rehabilitation Account shall be set
22 aside annually for counties that have sought and received voter
23 approval of taxes or that have imposed fees, including uniform
24 developer fees as defined by subdivision (b) of Section 8879.67
25 of the Government Code, which taxes or fees are dedicated solely
26 to transportation improvements. The Controller shall each month
27 set aside one-twelfth of this amount, to accumulate a total of two
28 hundred million dollars (\$200,000,000) in each fiscal year.

29 (2) Notwithstanding Section 13340 of the Government Code,
30 the funds available under this subdivision in each fiscal year are
31 hereby continuously appropriated for allocation to each eligible
32 county and each city in the county for road maintenance and
33 rehabilitation purposes pursuant to Section 2033.

34 (b) (1) After deducting the amounts appropriated in the annual
35 Budget Act pursuant to Section 2031.5 and the amount allocated
36 in subdivision (a), beginning in the 2017–18 fiscal year, eighty
37 million dollars (\$80,000,000) of the remaining revenues shall be
38 transferred annually to the State Highway Account for expenditure,
39 upon appropriation by the Legislature, on the Active Transportation
40 Program created pursuant to Chapter 8 (commencing with Section

2380) of Division 3 to be allocated by the California Transportation Commission pursuant to Section 2381.

(2) In addition to the funds transferred in paragraph (1), the department shall annually identify savings achieved through efficiencies implemented at the department. The department, through the annual budget process, shall propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to seventy million dollars (\$70,000,000), but not to exceed the total annual identified savings, from the State Highway Account for expenditure on the Active Transportation Program.

(c) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5, the amount allocated in subdivision (a) and the amount transferred in paragraph (1) of subdivision (b), in the 2017–18, 2018–19, 2019–20, and 2020–21 fiscal years, the sum of thirty million dollars (\$30,000,000) in each fiscal year from the remaining revenues shall be transferred to the Advance Mitigation Fund in the State Transportation Fund created pursuant to Section 21207 of the Public Resources Code.

(d) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5, the amount allocated in subdivision (a), and the amounts transferred in paragraph (1) of subdivision (b) and in subdivision (c), beginning in the 2017–18 fiscal year and each fiscal year thereafter, and notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated to the California State University the sum of two million dollars (\$2,000,000) from the remaining revenues for the purpose of conducting transportation research and transportation-related workforce education, training, and development. Prior to the start of each fiscal year, the chairs of the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing shall confer and set out a recommended priority list of research components to be addressed in the upcoming fiscal year.

(e) Notwithstanding Section 13340 of the Government Code, the balance of the revenues deposited in the Road Maintenance and Rehabilitation Account are hereby continuously appropriated as follows:

1 (1) Fifty percent for allocation to the department for maintenance
2 of the state highway system or for purposes of the state highway
3 operation and protection program.

4 (2) Fifty percent for apportionment to cities and counties by the
5 Controller pursuant to the formula in clauses (i) and (ii) of
6 subparagraph (C) of paragraph (3) of subdivision (a) of Section
7 2103 for the purposes authorized by this chapter.

8 2033. (a) On or before January 1, 2017, the commission, in
9 cooperation with the department, transportation planning agencies,
10 county transportation commissions, and other local agencies, shall
11 develop guidelines for the allocation of funds pursuant to
12 subdivision (a) of Section 2032.

13 (b) The guidelines shall be the complete and full statement of
14 the policy, standards, and criteria that the commission intends to
15 use to determine how these funds will be allocated.

16 (c) The commission may amend the adopted guidelines after
17 conducting at least one public hearing.

18 2034. (a) (1) Prior to receiving an apportionment of funds
19 under the program pursuant to paragraph (2) of subdivision (d) of
20 Section 2032 from the Controller in a fiscal year, an eligible city
21 or county shall submit to the commission a list of projects proposed
22 to be funded with these funds pursuant to an adopted city or county
23 budget. All projects proposed to receive funding shall be included
24 in a city or county budget that is adopted by the applicable city
25 council or county board of supervisors at a regular public meeting.
26 The list of projects proposed to be funded with these funds shall
27 include a description and the location of each proposed project, a
28 proposed schedule for the project's completion, and the estimated
29 useful life of the improvement. The project list shall not limit the
30 flexibility of an eligible city or county to fund projects in
31 accordance with local needs and priorities so long as the projects
32 are consistent with subdivision (b) of Section 2030.

33 (2) The commission shall report to the Controller the cities and
34 counties that have submitted a list of projects as described in this
35 subdivision and that are therefore eligible to receive an
36 apportionment of funds under the program for the applicable fiscal
37 year. The Controller, upon receipt of the report, shall apportion
38 funds to eligible cities and counties.

39 (b) For each fiscal year, each city or county receiving an
40 apportionment of funds shall, upon expending program funds,

1 submit documentation to the commission that includes a description
2 and location of each completed project, the amount of funds
3 expended on the project, the completion date, and the estimated
4 useful life of the improvement.

5 2036. (a) Cities and counties shall maintain their existing
6 commitment of local funds for street, road, and highway purposes
7 in order to remain eligible for an allocation or apportionment of
8 funds pursuant to Section 2032.

9 (b) In order to receive an allocation or apportionment pursuant
10 to Section 2032, the city or county shall annually expend from its
11 general fund for street, road, and highway purposes an amount not
12 less than the annual average of its expenditures from its general
13 fund during the 2009–10, 2010–11, and 2011–12 fiscal years, as
14 reported to the Controller pursuant to Section 2151. For purposes
15 of this subdivision, in calculating a city’s or county’s annual
16 general fund expenditures and its average general fund expenditures
17 for the 2009–10, 2010–11, and 2011–12 fiscal years, any
18 unrestricted funds that the city or county may expend at its
19 discretion, including vehicle in-lieu tax revenues and revenues
20 from fines and forfeitures, expended for street, road, and highway
21 purposes shall be considered expenditures from the general fund.
22 One-time allocations that have been expended for street and
23 highway purposes, but which may not be available on an ongoing
24 basis, including revenue provided under the Teeter Plan Bond Law
25 of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1
26 of Division 2 of Title 5 of the Government Code), may not be
27 considered when calculating a city’s or county’s annual general
28 fund expenditures.

29 (c) For any city incorporated after July 1, 2009, the Controller
30 shall calculate an annual average expenditure for the period
31 between July 1, 2009, and December 31, 2015, inclusive, that the
32 city was incorporated.

33 (d) For purposes of subdivision (b), the Controller may request
34 fiscal data from cities and counties in addition to data provided
35 pursuant to Section 2151, for the 2009–10, 2010–11, and 2011–12
36 fiscal years. Each city and county shall furnish the data to the
37 Controller not later than 120 days after receiving the request. The
38 Controller may withhold payment to cities and counties that do
39 not comply with the request for information or that provide
40 incomplete data.

(e) The Controller may perform audits to ensure compliance with subdivision (b) when deemed necessary. Any city or county that has not complied with subdivision (b) shall reimburse the state for the funds it received during that fiscal year. Any funds withheld or returned as a result of a failure to comply with subdivision (b) shall be reapportioned to the other counties and cities whose expenditures are in compliance.

(f) If a city or county fails to comply with the requirements of subdivision (b) in a particular fiscal year, the city or county may expend during that fiscal year and the following fiscal year a total amount that is not less than the total amount required to be expended for those fiscal years for purposes of complying with subdivision (b).

2037. A city or county may spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to this chapter if the city's or county's average Pavement Condition Index meets or exceeds 80.

2038. (a) The department and local agencies, as a condition of receiving funds from the program, shall adopt and implement a program designed to promote and advance construction employment and training opportunities through preapprenticeship opportunities, either by the public agency itself or through contractors engaged by the public agencies to do work funded in whole or in part by funds made available by the program.

(b) The department and local agencies, as a condition of receiving funds from the program, shall ensure the involvement of the California Conservation Corps and certified community conservation corps in the delivery of projects and services funded in whole or in part by funds made available by the program.

SEC. 25. Section 2103.1 is added to the Streets and Highways Code, to read:

2103.1. (a) Notwithstanding Section 2103, the revenues transferred to the Highway Users Tax Account pursuant to Sections 8352.4, 8352.5, and 8352.6 of the Revenue and Taxation Code shall be distributed pursuant to the formula in paragraph (3) of subdivision (a) of Section 2103.

(b) Notwithstanding subdivision (b) of Section 2103, the portion of revenues in the Highway Users Tax Account attributable to the increase in the motor vehicle fuel excise tax by seventeen cents (\$0.17) per gallon pursuant to subdivision (a) of Section 7360 of

1 the Revenue and Taxation Code, as adjusted pursuant to
2 subdivision (c) of that section, shall be transferred to the Road
3 Maintenance and Rehabilitation Account pursuant to Section 2031.

4 (c) Notwithstanding subdivision (b) of Section 2103, the portion
5 of revenues in the Highway Users Tax Account attributable to the
6 increase in the diesel fuel excise tax by thirty cents (\$0.30) per
7 gallon pursuant to subdivision (b) of Section 60050 of the Revenue
8 and Taxation Code, as adjusted pursuant to subdivision (c) of that
9 section, shall be transferred to the Trade Corridors Improvement
10 Fund pursuant to Section 2192.4.

11 SEC. 26. Section 2192 of the Streets and Highways Code is
12 amended to read:

13 2192. (a) (1) The Trade Corridors Improvement Fund, created
14 pursuant to subdivision (c) of Section 8879.23 of the Government
15 Code, is hereby continued in existence to receive revenues from
16 state sources other than the Highway Safety, Traffic Reduction,
17 Air Quality, and Port Security Bond Act of 2006.

18 (2) Revenues apportioned to the state under Section 167 of Title
19 23 of the United States Code from the national highway freight
20 program, pursuant to the federal Fixing America's Surface
21 Transportation Act ("FAST Act," Public Law 114-94) shall be
22 allocated for projects approved pursuant to this chapter.

23 (b) This chapter shall govern the expenditure of those state and
24 federal revenues described in subdivision (a).

25 (c) The funding described in subdivision (a) shall be available
26 upon appropriation for allocation by the California Transportation
27 Commission for infrastructure improvements in this state on
28 federally designated Trade Corridors of National and Regional
29 Significance, on the Primary Freight Network, and along other
30 corridors that have a high volume of freight movement, as
31 determined by the commission. In determining the projects eligible
32 for funding, the commission shall consult the Transportation
33 Agency's state freight plan as described in Section 13978.8 of the
34 Government Code and the trade infrastructure and goods movement
35 plan submitted to the commission by the Secretary of
36 Transportation and the Secretary for Environmental Protection.
37 The commission shall also consult trade infrastructure and goods
38 movement plans adopted by regional transportation planning
39 agencies, adopted regional transportation plans required by state
40 and federal law, and the applicable port master plan when

determining eligible projects for funding. Eligible projects for these funds include, but are not limited to, all of the following:

(1) Highway capacity improvements, rail landside access improvements, landside freight access improvements to airports, and operational improvements to more efficiently accommodate the movement of freight, particularly for ingress and egress to and from the state's land ports of entry, rail terminals, and seaports, including navigable inland waterways used to transport freight between seaports, land ports of entry, and airports, and to relieve traffic congestion along major trade or goods movement corridors.

(2) Freight rail system improvements to enhance the ability to move goods from seaports, land ports of entry, and airports to warehousing and distribution centers throughout California, including projects that separate rail lines from highway or local road traffic, improve freight rail mobility through mountainous regions, relocate rail switching yards, and other projects that improve the efficiency and capacity of the rail freight system.

(3) Projects to enhance the capacity and efficiency of ports.

(4) Truck corridor and capital and operational improvements, including dedicated truck facilities or truck toll facilities.

(5) Border capital and operational improvements that enhance goods movement between California and Mexico and that maximize the state's ability to access funds made available to the state by federal law.

(6) Surface transportation and connector road improvements to effectively facilitate the movement of goods, particularly for ingress and egress to and from the state's land ports of entry, airports, and seaports, to relieve traffic congestion along major trade or goods movement corridors.

(d) (1) Except as provided in paragraph (2), the commission shall allocate the funding described in subdivision (a) for trade infrastructure improvements consistent with Section 8879.52 of the Government Code and the Trade Corridors Improvement Fund (TCIF) Guidelines adopted by the commission on November 27, 2007, or as amended by the commission, and in a manner that (A) addresses the state's most urgent needs, (B) balances the demands of various land ports of entry, seaports, and airports, (C) provides reasonable geographic balance between the state's regions, (D) places emphasis on projects that improve trade corridor mobility and safety while reducing emissions of diesel particulate and other

1 pollutant emissions and reducing other negative community
2 impacts, and (E) makes a significant contribution to the state's
3 economy.

4 (2) The commission shall allocate the federal freight funding,
5 specifically, pursuant to the original TCIF Guidelines, as adopted
6 by the commission on November 27, 2007, and in the manner
7 described in (A) to (E), inclusive, of paragraph (1).

8 (3) In addition, the commission shall also consider the following
9 factors when allocating these funds:

10 (A) "Velocity," which means the speed by which large cargo
11 would travel from the land port of entry or seaport through the
12 distribution system.

13 (B) "Throughput," which means the volume of cargo that would
14 move from the land port of entry or seaport through the distribution
15 system.

16 (C) "Reliability," which means a reasonably consistent and
17 predictable amount of time for cargo to travel from one point to
18 another on any given day or at any given time in California.

19 (D) "Congestion reduction," which means the reduction in
20 recurrent daily hours of delay to be achieved.

21 SEC. 27. Section 2192.1 of the Streets and Highways Code is
22 amended to read:

23 2192.1. (a) To the extent moneys from the Greenhouse Gas
24 Reduction Fund, attributable to the auction or sale of allowances
25 as part of a market-based compliance mechanism relative to
26 reduction of greenhouse gas emissions, are transferred to the Trade
27 Corridors Improvement Fund, projects funded with those moneys
28 shall be subject to all of the requirements of existing law applicable
29 to the expenditure of moneys appropriated from the Greenhouse
30 Gas Reduction Fund, including, but not limited to, all of the
31 following:

32 (1) Projects shall further the regulatory purposes of the
33 California Global Warming Solutions Act of 2006 (Division 25.5
34 (commencing with Section 38500) of the Health and Safety Code),
35 including reducing emissions from greenhouse gases in the state,
36 directing public and private investment toward disadvantaged
37 communities, increasing the diversity of energy sources, or creating
38 opportunities for businesses, public agencies, nonprofits, and other
39 community institutions to participate in and benefit from statewide
40 efforts to reduce emissions of greenhouse gases.

(2) Projects shall be consistent with the guidance developed by the State Air Resources Board pursuant to Section 39715 of the Health and Safety Code.

(3) Projects shall be consistent with the required benefits to disadvantaged communities pursuant to Section 39713 of the Health and Safety Code.

(b) All allocations of funds made by the commission pursuant to this section shall be made in a manner consistent with the criteria expressed in Section 39712 of the Health and Safety Code and with the investment plan developed by the Department of Finance pursuant to Section 39716 of the Health and Safety Code.

(c) For purposes of this section, “disadvantaged community” means a community with any of the following characteristics:

(1) An area with a median household income less than 80 percent of the statewide median household income based on the most current census tract-level data from the American Community Survey.

(2) An area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(3) An area where at least 75 percent of public school students are eligible to receive free or reduced-price meals under the National School Lunch Program.

SEC. 28. Section 2192.2 of the Streets and Highways Code is amended to read:

2192.2. The commission shall allocate funds made available by this chapter to projects that have identified and committed supplemental funding from appropriate local, federal, or private sources. The commission shall determine the appropriate amount of supplemental funding each project should have to be eligible for moneys based on a project-by-project review and an assessment of the project’s benefit to the state and the program. Funded improvements shall have supplemental funding that is at least equal to the amount of the contribution under this chapter. The commission may give priority for funding to projects with higher levels of committed supplemental funding.

SEC. 29. Section 2192.4 is added to the Streets and Highways Code, to read:

2192.4. Notwithstanding subdivision (b) of Section 2103, the portion of the revenues in the Highway Users Tax Account

1 attributable to the increase in the diesel fuel excise tax by thirty
2 cents (\$0.30) per gallon pursuant to subdivision (b) of Section
3 60050 of the Revenue and Taxation Code, as adjusted pursuant to
4 subdivision (c) of that section, shall be deposited in the Trade
5 Corridors Improvement Fund.

6 SEC. 30. Section 9250.3 is added to the Vehicle Code, to read:

7 9250.3. (a) In addition to any other fees specified in this code
8 or the Revenue and Taxation Code, commencing 120 days after
9 the effective date of the act adding this section, a registration fee
10 of thirty-eight dollars (\$38) shall be paid to the department for
11 registration or renewal of registration of every vehicle subject to
12 registration under this code, except those vehicles that are expressly
13 exempted under this code from payment of registration fees.

14 (b) Beginning July 1, 2019, and every third year thereafter, the
15 Department of Motor Vehicles shall adjust the fee imposed under
16 this section for inflation in an amount equal to the change in the
17 California Consumer Price Index for the prior three-year period,
18 as calculated by the Department of Finance, with amounts equal
19 to or greater than fifty cents (\$0.50) rounded to the next highest
20 whole dollar.

21 (c) Revenues from the fee, after the deduction of the
22 department's administrative costs related to this section, shall be
23 deposited in the Road Maintenance and Rehabilitation Account
24 created pursuant to Section 2031 of the Streets and Highways
25 Code.

26 SEC. 31. Section 9250.6 is added to the Vehicle Code, to read:

27 9250.6. (a) In addition to any other fees specified in this code,
28 or the Revenue and Taxation Code, commencing 120 days after
29 the effective date of the act adding this section, a registration fee
30 of one hundred and sixty-five dollars (\$165) shall be paid to the
31 department for registration or renewal of registration of every
32 zero-emission motor vehicle subject to registration under this code,
33 except those motor vehicles that are expressly exempted under
34 this code from payment of registration fees.

35 (b) Beginning July 1, 2019, and every third year thereafter, the
36 Department of Motor Vehicles shall adjust the fee imposed under
37 this section for inflation in an amount equal to the change in the
38 California Consumer Price Index for the prior three-year period,
39 as calculated by the Department of Finance, with amounts equal

1 to or greater than fifty cents (\$0.50) rounded to the next highest
2 whole dollar.

3 (c) Revenues from the fee, after deduction of the department's
4 administrative costs related to this section, shall be deposited in
5 the Road Maintenance and Rehabilitation Account created pursuant
6 to Section 2031 of the Streets and Highways Code.

7 (d) This section does not apply to a commercial motor vehicle
8 subject to Section 9400.1.

9 (e) The registration fee required pursuant to this section does
10 not apply to the initial registration after the purchase of a new
11 zero-emission motor vehicle.

12 (f) For purposes of this section, "zero-emission motor vehicle"
13 means a motor vehicle as described in subdivisions (c) and (d) of
14 Section 44258 of the Health and Safety Code, or any other motor
15 vehicle that is able to operate on any fuel other than gasoline or
16 diesel fuel.

17 SEC. 32. Section 9400.5 is added to the Vehicle Code, to read:

18 9400.5. (a) Notwithstanding Sections 9400.1, 9400.4, and
19 42205 of this code, Sections 16773 and 16965 of the Government
20 Code, Section 2103 of the Streets and Highways Code, or any
21 other law, weight fee revenues shall only be transferred consistent
22 with the schedule provided in subdivision (b) from the State
23 Highway Account to the Transportation Debt Service Fund, the
24 Transportation Bond Direct Payment Account, or any other fund
25 or account for the purpose of payment of the debt service on
26 transportation general obligation bonds and shall not be loaned to
27 the General Fund.

28 (b) (1) The transfer of weight fee revenues, after deduction of
29 collection costs, from the State Highway Account pursuant to
30 subdivision (a) shall not exceed:

31 (A) 80 percent of the total weight fees in the 2017–18 fiscal
32 year.

33 (B) 60 percent of the total weight fees in the 2018–19 fiscal
34 year.

35 (C) 40 percent of the total weight fees in the 2019–20 fiscal
36 year.

37 (D) 20 percent of the total weight fees in the 2020–2021 fiscal
38 year.

1 (2) No weight fees, after deduction of collection costs, shall be
2 transferred from the State Highway Account after the 2020–21
3 fiscal year.

4 SEC. 33. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to provide additional funding for road maintenance and
9 rehabilitation purposes as quickly as possible, it is necessary for
10 this act to take effect immediately.

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Senate Bill No. 1345

CHAPTER 217

An act to amend Section 38026.1 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 26, 2016. Filed with
Secretary of State August 26, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, Berryhill. Vehicles: off-highway vehicle recreation: County of Inyo.

Existing law authorizes an off-highway motor vehicle that has been issued a plate or device to be operated or driven upon a highway under certain circumstances. Existing law authorizes various public entities, and the Director of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met. Existing law prohibits a highway from being designated for this combined use for a distance of more than 3 miles.

Existing law, until January 1, 2017, authorizes the County of Inyo to establish a pilot project that would exempt specified combined-use highways in the unincorporated area in the County of Inyo from this prohibition to link together existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles, as prescribed. Existing law requires the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2016, as specified.

This bill would extend the operation of these provisions until January 1, 2020, and would extend the reporting deadline until January 1, 2019. For purposes of the pilot project described above, the bill would prohibit a combined-use highway road segment from exceeding 10 miles, except as specified.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to develop additional data to better evaluate whether a combined-use highways system is workable in the County of Inyo. It is further the intent of the

Legislature that no General Fund moneys be expended for the pilot project established by this act, and the project will be revenue neutral to the state.

SEC. 2. Section 38026.1 of the Vehicle Code is amended to read:

38026.1. (a) Except as provided in subdivision (e), the County of Inyo may establish a pilot project to designate combined-use highways on unincorporated county roads in the county for no more than 10 miles so that the combined-use highways can be used to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land Management or United States Forest Service lands, and to link off-highway motor vehicle recreational-use areas with necessary service and lodging facilities, in order to provide a unified system of trails for off-highway motor vehicles, preserve traffic safety, improve natural resource protection, reduce off-highway vehicle trespass on private land, and minimize impacts on county residents.

(b) A pilot project established pursuant to this section shall do all of the following:

(1) Prescribe a procedure for highway, road, or route selection and designation. The procedure shall be approved by a vote of a majority of the county's board of supervisors.

(2) Prescribe a procedure for the county to remove a combined-use designation, including a designation that is removed as a result of the conclusion of the pilot program.

(3) In cooperation with the Department of Transportation, establish uniform specifications and symbols for signs, markers, and traffic control devices to control off-highway motor vehicles, including, but not limited to, the following:

(A) Devices to warn of dangerous conditions, obstacles, or hazards.

(B) Designations of the right-of-way for regular vehicular traffic and off-highway motor vehicles.

(C) A description of the nature and destination of the off-highway motor vehicle trail.

(D) Warning signs for pedestrians and motorists of the presence of off-highway motor vehicle traffic.

(4) Require that off-highway motor vehicles subject to the pilot project meet the safety requirements of federal and state law regarding proper drivers' licensing, helmet usage, and the requirements pursuant to Section 38026.5.

(5) Prohibit off-highway motor vehicles from traveling faster than 35 miles per hour on highways designated under this section.

(6) (A) Prohibit a combined-use highway road segment designated under this section from exceeding 10 miles.

(B) Notwithstanding subparagraph (A), two or more combined-use highway road segments may share a common starting point or ending point and may partially overlap as long as the resulting network of the highway road segments does not include more than three distinct locations of shared starting or ending points, or both.

(7) Include an opportunity for public comment at a public hearing held by the county in order to evaluate the pilot project.

(c) A pilot project established pursuant to this section may include use of a state highway, subject to the approval of the Department of Transportation, or any crossing of a highway designated pursuant to Section 38025.

(d) (1) By selecting and designating a highway for combined use pursuant to this section, the county agrees to defend and indemnify the state against any and all claims, including legal defense and liability arising from a claim, for any safety-related losses or injuries arising or resulting from use by off-highway motor vehicles of a highway designated as a combined-use highway by the county's board of supervisors pursuant to this section.

(2) This subdivision does not alter the requirements of subdivision (e).

(e) The county shall not designate a highway for combined use pursuant to this section unless the Commissioner of the Department of the California Highway Patrol finds that designating the highway for combined use would not create a potential traffic safety hazard.

(f) Not later than January 1, 2019, the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing all of the following:

(1) A description of the road segments designated to allow combined use for over three miles, as approved or adopted by a majority vote of the members of the Inyo County Board of Supervisors.

(2) An evaluation of the overall safety and effectiveness of the pilot project, including its impact on traffic flows, safety, off-highway vehicle usage on existing trails, incursions into areas not designated for off-highway vehicle usage, and nonmotorized recreation.

(3) A description of the public comments received at a public hearing held by the county in regards to an evaluation of the pilot project.

(g) (1) A report submitted pursuant to subdivision (f) shall be submitted in compliance with Section 9795 of the Government Code.

(2) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2175

Introduced by Assembly Member Jones

***(Coauthors: Assembly Members Gallagher, Mathis, Olsen, and
Wagner)***

(Coauthors: Senators Anderson, Bates, and Berryhill)

February 18, 2016

An act to amend Section 8352.6 of the Revenue and Taxation Code,
relating to fuel taxes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2175, as amended, Jones. Fuel taxes: Off-Highway Vehicle Trust Fund.

Existing law imposes an excise tax on motor vehicle fuel (gasoline). Existing law, as a result of the elimination of the sales tax on gasoline effective July 1, 2010, provides for a commensurate increase in the excise tax on gasoline. These taxes are deposited to the Motor Vehicle Fuel Account in the Transportation Tax Fund. Existing law requires certain moneys attributable to taxes imposed upon distribution of gasoline related to specified off-highway motor vehicles and off-highway vehicle activities to be transferred monthly from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund. Existing law, however, transfers, with respect to the increase in gasoline excise taxes as a result of the elimination of the sales tax on gasoline, to the General Fund the revenues attributable to off-highway vehicles that

would otherwise be deposited in the Off-Highway Vehicle Trust Fund. Existing law also requires the Controller to withhold \$833,000 from the monthly transfer, and transfer that amount to the General Fund. The moneys in the Off-Highway Vehicle Trust Fund are required to be used, upon appropriation, for specified purposes related to off-highway motor vehicle recreation.

This bill would, on June 30, 2017, eliminate the requirement that the Controller withhold \$833,000 from the monthly transfer and transfer it to the General Fund and would thereby transfer this amount monthly to the Off-Highway Vehicle Trust Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8352.6 of the Revenue and Taxation
2 Code is amended to read:
3 8352.6. (a) (1) Subject to Section 8352.1, and except as
4 otherwise provided in paragraphs (2) and (3), on the first day of
5 every month, there shall be transferred from moneys deposited to
6 the credit of the Motor Vehicle Fuel Account to the Off-Highway
7 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
8 an amount attributable to taxes imposed upon distributions of motor
9 vehicle fuel used in the operation of motor vehicles off highway
10 and for which a refund has not been claimed. Transfers made
11 pursuant to this section shall be made ~~prior to~~ before transfers
12 pursuant to Section 8352.2.
13 (2) Commencing July 1, 2012, the revenues attributable to the
14 taxes imposed pursuant to subdivision (b) of Section 7360 and
15 Section 7361.1 and otherwise to be deposited in the Off-Highway
16 Vehicle Trust Fund pursuant to paragraph (1) shall instead be
17 transferred to the General Fund. The revenues attributable to the
18 taxes imposed pursuant to subdivision (b) of Section 7360 and
19 Section 7361.1 that were deposited in the Off-Highway Vehicle
20 Trust Fund in the 2010–11 and 2011–12 fiscal years shall be
21 transferred to the General Fund.
22 (3) Until June 30, 2017, the Controller shall withhold eight
23 hundred thirty-three thousand dollars (\$833,000) from the monthly
24 transfer to the Off-Highway Vehicle Trust Fund pursuant to
25 paragraph (1), and transfer that amount to the General Fund.

(b) The amount transferred to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) of subdivision (a), as a percentage of the Motor Vehicle Fuel Account, shall be equal to the percentage transferred in the 2006–07 fiscal year. Every five years, starting in the 2013–14 fiscal year, the percentage transferred may be adjusted by the Department of Transportation in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006–07 fiscal year or the last adjustment, whichever is more recent:

(1) The number of vehicles registered as off-highway motor vehicles as required by Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) The number of registered street-legal vehicles that are anticipated to be used off highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

(3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service’s National Visitor Use Monitoring and the United States Bureau of Land Management’s Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use

1 of vehicles registered under Division 16.5 (commencing with
2 Section 38000) of the Vehicle Code may occur.
3 (e) In the 2014–15 fiscal year, the Department of Transportation,
4 in consultation with the Department of Parks and Recreation and
5 the Department of Motor Vehicles, shall undertake a study to
6 determine the appropriate adjustment to the amount transferred
7 pursuant to subdivision (b) and to update the estimate of the amount
8 attributable to taxes imposed upon distributions of motor vehicle
9 fuel used in the operation of motor vehicles off highway and for
10 which a refund has not been claimed. The department shall provide
11 a copy of this study to the Legislature no later than January 1,
12 2016.

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AMENDED IN ASSEMBLY AUGUST 30, 2016

CALIFORNIA LEGISLATURE—2015–16 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 26

Introduced by Assembly Member Frazier
(Principal coauthor: Senator Beall)

August 24, 2016

An act to amend Sections 13975, 14500, 14526.5, and 16965 of, to add Sections 14033, 14526.7, and 16321 to, to add Part 5.1 (commencing with Section 14460) to Division 3 of Title 2 of, and to repeal Section 14534.1 of, the Government Code, to amend Section 39719 of the Health and Safety Code, to amend Section 21080.37 of, and to add Division 13.6 (commencing with Section 21200) to, the Public Resources Code, to amend Section 99312.1 of the Public Utilities Code, to amend Sections 6051.8, 6201.8, 7360, 8352.4, 8352.5, 8352.6, and 60050 of the Revenue and Taxation Code, to amend Sections 183.1, 820.1, 2192, 2192.1, and 2192.2 of, to add Sections 2103.1 and 2192.4 to, and to add Chapter 2 (commencing with Section 2030) to Division 3 of, the Streets and Highways Code, and to add Sections 9250.3, 9250.6, and 9400.5 to the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 26, as amended, Frazier. Transportation funding.

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain

registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account.

This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a \$0.17 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, an increase of \$38 in the annual vehicle registration fee with an inflation adjustment, as provided, a new \$165 annual vehicle registration fee with an inflation adjustment, as provided, applicable to zero-emission motor vehicles, as defined, and certain miscellaneous revenues described in (7) below that are not restricted as to expenditure by Article XIX of the California Constitution.

This bill would annually set aside \$200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant to guidelines to be developed by the California Transportation Commission in consultation with local agencies. The bill would require \$80,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the Active Transportation Program. The bill would require \$30,000,000 of the funds available for the program in each of 4 fiscal years beginning in 2017–18 to be transferred to the Advance Mitigation Fund created by the bill pursuant to (12) below. The bill would continuously appropriate \$2,000,000 annually of the funds available for the program to the California State University for the purpose of conducting transportation research and transportation-related workforce education, training, and development. The bill would require the remaining funds available for

the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80.

The bill would also require the department to annually identify savings achieved through efficiencies implemented at the department and to propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to \$70,000,000 from the State Highway Account for expenditure on the Active Transportation Program.

(2) Existing law establishes in state government the Transportation Agency, which includes various departments and state entities, including the California Transportation Commission. Existing law vests the California Transportation Commission with specified powers, duties, and functions relative to transportation matters. Existing law requires the commission to retain independent authority to perform the duties and functions prescribed to it under any provision of law.

This bill would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

(3) Existing law creates various state agencies, including the Department of Transportation, the High-Speed Rail Authority, the Department of the California Highway Patrol, the Department of Motor Vehicles, and the State Air Resources Board, with specified powers and duties. Existing law provides for the allocation of state transportation funds to various transportation purposes.

This bill would create the Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that all of the above-referenced state agencies and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would provide for the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would provide that the Transportation Inspector General may not be removed from office during the term except for good cause. The bill

would specify the duties and responsibilities of the Transportation Inspector General and would require an annual report to the Legislature and Governor.

This bill would require the department to update the Highway Design Manual to incorporate the “complete streets” design concept by January 1, 2017.

(4) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.

This bill would require the Department of Finance, on or before September 1, 2016, to compute the amount of outstanding loans made from specified transportation funds. The bill would require the Department of Transportation to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to cities and counties and to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(5) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes.

This bill would deposit the revenues attributable to a \$0.30 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridors Improvement Fund. The bill would require revenues apportioned to the state from the national highway freight program established by the federal Fixing America’s Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.

Existing law requires the commission, in determining projects eligible for funding, to consult various state freight and regional infrastructure and goods movement plans and the statewide port master plan.

This bill would delete consideration of the State Air Resources Board’s Sustainable Freight Strategy and the statewide port master plan and would instead include consideration of the applicable port master plan when determining eligible projects for funding. The bill would also expand eligible projects to include rail landside access improvements, landside freight access improvements to airports, and certain capital and operational improvements.

(6) Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 10% of the annual proceeds of the fund to the Transit and Intercity Rail Capital Program and 5% of the annual proceeds of the fund to the Low Carbon Transit Operations Program.

This bill would, beginning in the 2016–17 fiscal year, instead continuously appropriate 20% of those annual proceeds to the Transit and Intercity Rail Capital Program and 10% of those annual proceeds to the Low Carbon Transit Operations Program, thereby making an appropriation.

(7) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Existing law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller to transfer from the fund to the General Fund an amount of those revenues necessary to offset the current year debt service made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116 of 1990.

This bill would delete the transfer of these miscellaneous revenues to the Transportation Debt Service Fund, thereby eliminating the offsetting transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. The bill, subject to a specified exception, would instead require the miscellaneous revenues to be retained in the State Highway Account and to be deposited in the Road Maintenance and Rehabilitation Account.

(8) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.

This bill, commencing July 1, 2016, would instead transfer to the Highway Users Tax Account for allocation to state and local transportation purposes under a specified formula the portion of gasoline excise tax revenues currently being deposited in the General Fund that are attributable to boats, agricultural vehicles, and off-highway vehicles. Because that account is continuously appropriated, the bill would make an appropriation.

(9) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral.

This bill would eliminate the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose the higher gasoline excise tax rate that was in effect on July 1, 2010, in addition to the increase in the rate described in paragraph (1).

Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these revenues to the Controller for allocation by formula to transportation agencies for public transit purposes.

This bill would increase the additional sales and use tax on diesel fuel by an additional 3.5%. By increasing the revenues deposited in a continuously appropriated fund, the bill would thereby make an appropriation. The bill would restrict expenditures of revenues from

this increase in the sales and use tax on diesel fuel to transit capital purposes and certain transit services and would require a recipient transit agency to comply with certain requirements, including submitting a list of proposed projects to the Department of Transportation, as a condition of receiving a portion of these funds. The bill would require an existing required audit of transit operator finances to verify that these new revenues have been expended in conformance with these specific restrictions and all other generally applicable requirements.

This bill would, beginning July 1, 2019, and every 3rd year thereafter, require the State Board of Equalization to recompute the gasoline and diesel excise tax rates and the additional sales and use tax rate on diesel fuel based upon the percentage change in the California Consumer Price Index transmitted to the board by the Department of Finance, as prescribed.

(10) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan.

This bill would add to the program capital projects relative to the operation of those state highways and bridges. The bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after February 1, 2017, would also require the commission to make an allocation of all capital and support costs for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines

to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(11) Existing law imposes weight fees on the registration of commercial motor vehicles and provides for the deposit of net weight fee revenues into the State Highway Account. Existing law provides for the transfer of certain weight fee revenues from the State Highway Account to the Transportation Debt Service Fund to reimburse the General Fund for payment of debt service on general obligation bonds issued for transportation purposes. Existing law also provides for the transfer of certain weight fee revenues to the Transportation Bond Direct Payment Account for direct payment of debt service on designated bonds, which are defined to be certain transportation general obligation bonds issued pursuant to Proposition 1B of 2006. Existing law also provides for loans of weight fee revenues to the General Fund to the extent the revenues are not needed for bond debt service purposes, with the loans to be repaid when the revenues are later needed for those purposes, as specified.

This bill, notwithstanding these provisions or any other law, would only authorize specified percentages of weight fee revenues to be transferred from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds in accordance with a prescribed schedule and would prohibit the transfer of weight fee revenues from the State Highway Account after the 2020–21 fiscal year. The bill would also prohibit loans of weight fee revenues to the General Fund.

(12) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA, until January 1, 2020, exempts a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined, other than a state roadway, if the project or activity is carried out by a city or county with a population of less than 100,000 persons to improve public safety and meets other specified requirements.

This bill would extend the above-referenced exemption indefinitely and delete the limitation of the exemption to projects or activities in cities and counties with a population of less than 100,000 persons. The bill would also expand the exemption to include state roadways.

This bill would also establish the Advance Mitigation Program in the Department of Transportation. The bill would authorize the department to undertake mitigation measures in advance of construction of a planned transportation project. The bill would require the department to establish a steering committee to advise the department on advance mitigation measures and related matters. The bill would create the Advance Mitigation Fund as a continuously appropriated revolving fund, to be funded initially from the Road Maintenance and Rehabilitation Program pursuant to (1) above. The bill would provide for reimbursement of the revolving fund at the time a planned transportation project benefiting from advance mitigation is constructed.

(13) Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2017, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities the Department of Transportation assumed as a participant in this program.

This bill would delete the January 1, 2017, repeal date, thereby extending these provisions indefinitely.

(14) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) Over the next 10 years, the state faces a \$59 billion shortfall
2 to adequately maintain the existing state highway system in order
3 to keep it in a basic state of good repair.

4 (b) Similarly, cities and counties face a \$78 billion shortfall
5 over the next decade to adequately maintain the existing network
6 of local streets and roads.

7 (c) Statewide taxes and fees dedicated to the maintenance of
8 the system have not been increased in more than 20 years, with
9 those revenues losing more than 55 percent of their purchasing
10 power, while costs to maintain the system have steadily increased
11 and much of the underlying infrastructure has aged past its expected
12 useful life.

13 (d) California motorists are spending \$17 billion annually in
14 extra maintenance and car repair bills, which is more than \$700
15 per driver, due to the state's poorly maintained roads.

16 (e) Failing to act now to address this growing problem means
17 that more drastic measures will be required to maintain our system
18 in the future, essentially passing the burden on to future generations
19 instead of doing our job today.

20 (f) A funding program will help address a portion of the
21 maintenance backlog on the state's road system and will stop the
22 growth of the problem.

23 (g) Modestly increasing various fees can spread the cost of road
24 repairs broadly to all users and beneficiaries of the road network
25 without overburdening any one group.

26 (h) Improving the condition of the state's road system will have
27 a positive impact on the economy as it lowers the transportation
28 costs of doing business, reduces congestion impacts for employees,
29 and protects property values in the state.

30 (i) The federal government estimates that increased spending
31 on infrastructure creates more than 13,000 jobs per \$1 billion spent.

32 (j) Well-maintained roads benefit all users, not just drivers, as
33 roads are used for all modes of transport, whether motor vehicles,
34 transit, bicycles, or pedestrians.

35 (k) Well-maintained roads additionally provide significant health
36 benefits and prevent injuries and death due to crashes caused by
37 poorly maintained infrastructure.

38 (l) A comprehensive, reasonable transportation funding package
39 will do all of the following:

40 (1) Ensure these transportation needs are addressed.

1 (2) Fairly distribute the economic impact of increased funding.

2 (3) Restore the gas tax rate previously reduced by the State
3 Board of Equalization pursuant to the gas tax swap.

4 (4) Direct increased revenue to the state's highest transportation
5 needs.

6 SEC. 2. Section 13975 of the Government Code is amended
7 to read:

8 13975. There is in the state government the Transportation
9 Agency. The agency consists of the Department of the California
10 Highway Patrol, the Department of Motor Vehicles, the Department
11 of Transportation, the High-Speed Rail Authority, and the Board
12 of Pilot Commissioners for the Bays of San Francisco, San Pablo,
13 and Suisun.

14 SEC. 3. Section 14033 is added to the Government Code, to
15 read:

16 14033. On or before January 1, 2017, the department shall
17 update the Highway Design Manual to incorporate the "complete
18 streets" design concept.

19 SEC. 4. Part 5.1 (commencing with Section 14460) is added
20 to Division 3 of Title 2 of the Government Code, to read:

21
22 PART 5.1. OFFICE OF THE TRANSPORTATION INSPECTOR
23 GENERAL
24

25 14460. (a) There is hereby created in state government the
26 independent Office of the Transportation Inspector General, which
27 shall not be a subdivision of any other governmental entity, to
28 ensure that the Department of Transportation, the High-Speed Rail
29 Authority, the Department of the California Highway Patrol, the
30 Department of Motor Vehicles, the State Air Resources Board,
31 and all other state agencies expending state transportation funds
32 are operating efficiently, effectively, and in compliance with
33 applicable federal and state laws.

34 (b) The Governor shall appoint, subject to confirmation by the
35 Senate, the Transportation Inspector General to a six-year term.
36 The Transportation Inspector General may not be removed from
37 office during that term, except for good cause. A finding of good
38 cause may include substantial neglect of duty, gross misconduct,
39 or conviction of a crime. The reasons for removal of the
40 Transportation Inspector General shall be stated in writing and

1 shall include the basis for removal. The writing shall be sent to
2 the Secretary of the Senate and the Chief Clerk of the Assembly
3 at the time of the removal and shall be deemed to be a public
4 document.

5 14461. The Transportation Inspector General shall review
6 policies, practices, and procedures and conduct audits and
7 investigations of activities involving state transportation funds in
8 consultation with all affected state agencies. Specifically, the
9 Transportation Inspector General's duties and responsibilities shall
10 include, but not be limited to, all of the following:

11 (a) To examine the operating practices of all state agencies
12 expending state transportation funds to identify fraud and waste,
13 opportunities for efficiencies, and opportunities to improve the
14 data used to determine appropriate project resource allocations.

15 (b) To identify best practices in the delivery of transportation
16 projects and develop policies or recommend proposed legislation
17 enabling state agencies to adopt these practices when practicable.

18 (c) To provide objective analysis of and, when possible, offer
19 solutions to concerns raised by the public or generated within
20 agencies involving the state's transportation infrastructure and
21 project delivery methods.

22 (d) To conduct, supervise, and coordinate audits and
23 investigations relating to the programs and operations of all state
24 transportation agencies with state-funded transportation projects.

25 (e) To recommend policies promoting economy and efficiency
26 in the administration of programs and operations of all state
27 agencies with state-funded transportation projects.

28 (f) To ensure that the Secretary of Transportation and the
29 Legislature are fully and currently informed concerning fraud or
30 other serious abuses or deficiencies relating to the expenditure of
31 funds or administration of programs and operations.

32 14462. The Transportation Inspector General shall report at
33 least annually to the Governor and Legislature with a summary of
34 his or her findings, investigations, and audits. The summary shall
35 be posted on the Transportation Inspector General's Internet Web
36 site and shall otherwise be made available to the public upon its
37 release to the Governor and Legislature. The summary shall
38 include, but need not be limited to, significant problems discovered
39 by the Transportation Inspector General and whether
40 recommendations of the Transportation Inspector General relative

1 to investigations and audits have been implemented by the affected
2 agencies. The report shall be submitted to the Legislature in
3 compliance with Section 9795.

4 SEC. 5. Section 14500 of the Government Code is amended
5 to read:

6 14500. There is in state government a California Transportation
7 Commission. The commission shall act in an independent oversight
8 role.

9 SEC. 6. Section 14526.5 of the Government Code is amended
10 to read:

11 14526.5. (a) Based on the asset management plan prepared
12 and approved pursuant to Section 14526.4, the department shall
13 prepare a state highway operation and protection program for the
14 expenditure of transportation funds for major capital improvements
15 that are necessary to preserve and protect the state highway system.
16 Projects included in the program shall be limited to improvements
17 relative to maintenance, safety, rehabilitation, and operation of
18 state highways and bridges that do not add a new traffic lane to
19 the system.

20 (b) The program shall include projects that are expected to be
21 advertised prior to July 1 of the year following submission of the
22 program, but which have not yet been funded. The program shall
23 include those projects for which construction is to begin within
24 four fiscal years, starting July 1 of the year following the year the
25 program is submitted.

26 (c) (1) The department, at a minimum, shall specify, for each
27 project in the state highway operation and protection program, the
28 capital and support budget for each of the following project
29 components:

30 (A) Project approval and environmental documents.

31 (B) Plans, specifications, and estimates.

32 (C) Rights-of-way.

33 (D) Construction.

34 (2) The department shall specify, for each project in the state
35 highway operation and protection program, a projected delivery
36 date for each of the following components:

37 (A) Environmental document completion.

38 (B) Plans, specifications, and estimate completion.

39 (C) Right-of-way certification.

40 (D) Start of construction.

(d) The department shall submit its proposed program to the commission not later than January 31 of each even-numbered year. Prior to submitting its proposed program, the department shall make a draft of its proposed program available to transportation planning agencies for review and comment and shall include the comments in its submittal to the commission. The department shall provide the commission with detailed information for all programmed projects, including, but not limited to, cost, scope, schedule, and performance metrics as determined by the commission.

(e) The commission shall review the proposed program relative to its overall adequacy, consistency with the asset management plan prepared and approved pursuant to Section 14526.4 and funding priorities established in Section 167 of the Streets and Highways Code, the level of annual funding needed to implement the program, and the impact of those expenditures on the state transportation improvement program. The commission shall adopt the program and submit it to the Legislature and the Governor not later than April 1 of each even-numbered year. The commission may decline to adopt the program if the commission determines that the program is not sufficiently consistent with the asset management plan prepared and approved pursuant to Section 14526.4.

(f) As part of the commission's review of the program required pursuant to subdivision (a), the commission shall hold at least one hearing in northern California and one hearing in southern California regarding the proposed program.

(g) Expenditures for these projects shall not be subject to Sections 188 and 188.8 of the Streets and Highways Code.

(h) Following adoption of the state highway operation and protection program by the commission, any change to a programmed project shall be submitted as an amendment by the department to the commission for its approval before the change may be implemented.

SEC. 7. Section 14526.7 is added to the Government Code, to read:

14526.7. (a) On and after February 1, 2017, an allocation by the commission of all capital and support costs for each project in the state highway operation and protection program shall be required.

(b) For a project that experiences increases in capital or support costs above the amounts in the commission's allocation pursuant to subdivision (a), a supplemental project allocation request shall be submitted by the department to the commission for approval.

(c) The commission shall establish guidelines to provide exceptions to the requirement of subdivision (b) that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

SEC. 8. Section 14534.1 of the Government Code is repealed.

SEC. 9. Section 16321 is added to the Government Code, to read:

16321. (a) Notwithstanding any other law, on or before September 1, 2016, the Department of Finance shall compute the amount of outstanding loans made from the State Highway Account, the Motor Vehicle Fuel Account, the Highway Users Tax Account, and the Motor Vehicle Account to the General Fund. The department shall prepare a loan repayment schedule, pursuant to which the outstanding loans shall be repaid, as follows:

(1) On or before June 30, 2017, 50 percent of the outstanding loan amounts.

(2) On or before June 30, 2018, the remainder of the outstanding loan amounts.

(b) Notwithstanding any other law, as the loans are repaid pursuant to this section, the repaid funds shall be transferred in the following manner:

(1) Fifty percent to cities and counties pursuant to clauses (i) and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of Section 2103 of the Streets and Highways Code.

(2) Fifty percent to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(c) Funds for loan repayments pursuant to this section are hereby appropriated from the Budget Stabilization Account pursuant to subclause (II) of clause (ii) of subparagraph (B) of paragraph (1) of subdivision (c) of Section 20 of Article XVI of the California Constitution.

SEC. 10. Section 16965 of the Government Code is amended to read:

1 16965. (a) (1) The Transportation Debt Service Fund is hereby
2 created in the State Treasury. Moneys in the fund shall be dedicated
3 to all of the following purposes:

4 (A) Payment of debt service with respect to designated bonds,
5 as defined in subdivision (c) of Section 16773, and as further
6 provided in paragraph (3) and subdivision (b).

7 (B) To reimburse the General Fund for debt service with respect
8 to bonds.

9 (C) To redeem or retire bonds, pursuant to Section 16774,
10 maturing in a subsequent fiscal year.

11 (2) The bonds eligible under subparagraph (B) or (C) of
12 paragraph (1) include bonds issued pursuant to the Passenger Rail
13 and Clean Air Bond Act of 1990 (Chapter 17 (commencing with
14 Section 2701) of Division 3 of the Streets and Highways Code),
15 the Seismic Retrofit Bond Act of 1996 (Chapter 12.48
16 (commencing with Section 8879) of Division 1 of Title 2), and the
17 Safe, Reliable High-Speed Passenger Train Bond Act for the 21st
18 Century (Chapter 20 (commencing with Section 2704) of Division
19 3 of the Streets and Highways Code), and nondesignated bonds
20 under Proposition 1B, as defined in subdivision (c) of Section
21 16773.

22 (3) (A) The Transportation Bond Direct Payment Account is
23 hereby created in the State Treasury, as a subaccount within the
24 Transportation Debt Service Fund, for the purpose of directly
25 paying the debt service, as defined in paragraph (4), of designated
26 bonds of Proposition 1B, as defined in subdivision (c) of Section
27 16773. Notwithstanding Section 13340, moneys in the
28 Transportation Bond Direct Payment Account are continuously
29 appropriated for payment of debt service with respect to designated
30 bonds as provided in subdivision (c) of Section 16773. So long as
31 any designated bonds remain outstanding, the moneys in the
32 Transportation Bond Direct Payment Account may not be used
33 for any other purpose, and may not be borrowed by or available
34 for transfer to the General Fund pursuant to Section 16310 or any
35 similar law, or to the General Cash Revolving Fund pursuant to
36 Section 16381 or any similar law.

37 (B) Once the Treasurer makes a certification that payment of
38 debt service with respect to all designated bonds has been paid or
39 provided for, any remaining moneys in the Transportation Bond

1 Direct Payment Account shall be transferred back to the
2 Transportation Debt Service Fund.

3 (C) The moneys in the Transportation Bond Direct Payment
4 Account shall be invested in the Surplus Money Investment Fund,
5 and all investment earnings shall accrue to the account.

6 (D) The Controller may establish subaccounts within the
7 Transportation Bond Direct Payment Account as may be required
8 by the resolution, indenture, or other documents governing any
9 designated bonds.

10 (4) For purposes of this subdivision and subdivision (b), and
11 subdivision (c) of Section 16773, “debt service” means payment
12 of all of the following costs and expenses with respect to any
13 designated bond:

14 (A) The principal of and interest on the bonds.

15 (B) Amounts payable as the result of tender on any bonds, as
16 described in clause (iv) of subparagraph (B) of paragraph (1) of
17 subdivision (d) of Section 16731.

18 (C) Amounts payable under any contractual obligation of the
19 state to repay advances and pay interest thereon under a credit
20 enhancement or liquidity agreement as described in clause (iv) of
21 subparagraph (B) of paragraph (1) of subdivision (d) of Section
22 16731.

23 (D) Any amount owed by the state to a counterparty after any
24 offset for payments owed to the state on any hedging contract as
25 described in subparagraph (A) of paragraph (2) of subdivision (d)
26 of Section 16731.

27 (b) From the moneys transferred to the fund pursuant to
28 paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the
29 Vehicle Code, there shall first be deposited into the Transportation
30 Bond Direct Payment Account in each month sufficient funds to
31 equal the amount designated in a certificate submitted by the
32 Treasurer to the Controller and the Director of Finance at the start
33 of each fiscal year, and as may be modified by the Treasurer
34 thereafter upon issuance of any new issue of designated bonds or
35 upon change in circumstances that requires such a modification.
36 This certificate shall be calculated by the Treasurer to identify, for
37 each month, the amount necessary to fund all of the debt service
38 with respect to all designated bonds. This calculation shall be done
39 in a manner provided in the resolution, indenture, or other
40 documents governing the designated bonds. In the event that

1 transfers to the Transportation Bond Direct Payment Account in
2 any month are less than the amounts required in the Treasurer's
3 certificate, the shortfall shall carry over to be part of the required
4 payment in the succeeding month or months.

5 (c) The state hereby covenants with the holders from time to
6 time of any designated bonds that it will not alter, amend, or restrict
7 the provisions of subdivision (c) of Section 16773 of the
8 Government Code, or Sections 9400, 9400.1, 9400.4, and 42205
9 of the Vehicle Code, which provide directly or indirectly for the
10 transfer of weight fees to the Transportation Debt Service Fund
11 or the Transportation Bond Direct Payment Account, or
12 subdivisions (a) and (b) of this section, or reduce the rate of
13 imposition of vehicle weight fees under Sections 9400 and 9400.1
14 of the Vehicle Code as they existed on the date of the first issuance
15 of any designated bonds, if that alteration, amendment, restriction,
16 or reduction would result in projected weight fees for the next
17 fiscal year determined by the Director of Finance being less than
18 two times the maximum annual debt service with respect to all
19 outstanding designated bonds, as such calculation is determined
20 pursuant to the resolution, indenture, or other documents governing
21 the designated bonds. The state may include this covenant in the
22 resolution, indenture, or other documents governing the designated
23 bonds.

24 (d) Once the required monthly deposit, including makeup of
25 any shortfalls from any prior month, has been made pursuant to
26 subdivision (b), from moneys transferred to the fund pursuant to
27 paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the
28 Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the
29 Controller shall transfer as an expenditure reduction to the General
30 Fund any amount necessary to offset the cost of current year debt
31 service payments made from the General Fund with respect to any
32 bonds issued pursuant to Proposition 192 (1996) and three-quarters
33 of the amount of current year debt service payments made from
34 the General Fund with respect to any nondesignated bonds, as
35 defined in subdivision (c) of Section 16773, issued pursuant to
36 Proposition 1B (2006). In the alternative, these funds may also be
37 used to redeem or retire the applicable bonds, pursuant to Section
38 16774, maturing in a subsequent fiscal year as directed by the
39 Director of Finance.

(e) Once the required monthly deposit, including makeup of any shortfalls from any prior month, has been made pursuant to subdivision (b), from moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the Controller shall transfer as an expenditure reduction to the General Fund any amount necessary to offset the eligible cost of current year debt service payments made from the General Fund with respect to any bonds issued pursuant to Proposition 108 (1990) and Proposition 1A (2008), and one-quarter of the amount of current year debt service payments made from the General Fund with respect to any nondesignated bonds, as defined in subdivision (c) of Section 16773, issued pursuant to Proposition 1B (2006). The Department of Finance shall notify the Controller by July 30 of every year of the percentage of debt service that is expected to be paid in that fiscal year with respect to bond-funded projects that qualify as eligible guideway projects consistent with the requirements applicable to the expenditure of revenues under Article XIX of the California Constitution, and the Controller shall make payments only for those eligible projects. In the alternative, these funds may also be used to redeem or retire the applicable bonds, pursuant to Section 16774, maturing in a subsequent fiscal year as directed by the Director of Finance.

(f) On or before the second business day following the date on which transfers are made to the Transportation Debt Service Fund, and after the required monthly deposits for that month, including makeup of any shortfalls from any prior month, have been made to the Transportation Bond Direct Payment Account, the Controller shall transfer the funds designated for reimbursement of bond debt service with respect to nondesignated bonds, as defined in subdivision (c) of Section 16773, and other bonds identified in subdivisions (d) and (e) in that month from the fund to the General Fund pursuant to this section.

SEC. 11. Section 39719 of the Health and Safety Code is amended to read:

39719. (a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), annual proceeds are continuously appropriated for the following:

(1) Beginning in the 2016–17 fiscal year, and notwithstanding Section 13340 of the Government Code, 50 percent of annual proceeds are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as following:

(A) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Moneys shall be allocated by the Controller, according to requirements of the program, and pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

1 (D) Repayment of any loans made to the authority to fund the
2 project.

3 (c) In determining the amount of annual proceeds of the fund
4 for purposes of the calculation in subdivision (b), the funds subject
5 to Section 39719.1 shall not be included.

6 SEC. 12. Section 21080.37 of the Public Resources Code is
7 amended to read:

8 21080.37. (a) This division does not apply to a project or an
9 activity to repair, maintain, or make minor alterations to an existing
10 roadway if all of the following conditions are met:

11 (1) (A) The project does not cross a waterway.

12 (B) For purposes of this paragraph, “waterway” means a bay,
13 estuary, lake, pond, river, slough, or a perennial, intermittent, or
14 ephemeral stream, lake, or estuarine-marine shoreline.

15 (2) The project involves negligible or no expansion of an
16 existing use beyond that existing at the time of the lead agency’s
17 determination.

18 (3) (A) The site of the project does not contain wetlands or
19 riparian areas and does not have significant value as a wildlife
20 habitat, and the project does not harm any species protected by the
21 federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et
22 seq.), the Native Plant Protection Act (Chapter 10 (commencing
23 with Section 1900) of Division 2 of the Fish and Game Code), or
24 the California Endangered Species Act (Chapter 1.5 (commencing
25 with Section 2050) of Division 3 of the Fish and Game Code), and
26 the project does not cause the destruction or removal of any species
27 protected by a local ordinance.

28 (B) For the purposes of this paragraph:

29 (i) “Riparian areas” mean those areas transitional between
30 terrestrial and aquatic ecosystems and that are distinguished by
31 gradients in biophysical conditions, ecological processes, and biota.
32 A riparian area is an area through which surface and subsurface
33 hydrology connect waterbodies with their adjacent uplands. A
34 riparian area includes those portions of terrestrial ecosystems that
35 significantly influence exchanges of energy and matter with aquatic
36 ecosystems. A riparian area is adjacent to perennial, intermittent,
37 and ephemeral streams, lakes, and estuarine-marine shorelines.

38 (ii) “Significant value as a wildlife habitat” includes wildlife
39 habitat of national, statewide, regional, or local importance; habitat
40 for species protected by the federal Endangered Species Act of

1 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered
2 Species Act (Chapter 1.5 (commencing with Section 2050) of
3 Division 3 of the Fish and Game Code), or the Native Plant
4 Protection Act (Chapter 10 (commencing with Section 1900) of
5 Division 2 of the Fish and Game Code); habitat identified as
6 candidate, fully protected, sensitive, or species of special status
7 by local, state, or federal agencies; or habitat essential to the
8 movement of resident or migratory wildlife.

9 (iii) “Wetlands” has the same meaning as in the United States
10 Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

11 (iv) “Wildlife habitat” means the ecological communities upon
12 which wild animals, birds, plants, fish, amphibians, and
13 invertebrates depend for their conservation and protection.

14 (4) The project does not impact cultural resources.

15 (5) The roadway does not affect scenic resources, as provided
16 pursuant to subdivision (c) of Section 21084.

17 (b) Prior to determining that a project is exempt pursuant to this
18 section, the lead agency shall do both of the following:

19 (1) Include measures in the project to mitigate potential
20 vehicular traffic and safety impacts and bicycle and pedestrian
21 safety impacts.

22 (2) Hold a noticed public hearing on the project to hear and
23 respond to public comments. The hearing on the project may be
24 conducted with another noticed lead agency public hearing.
25 Publication of the notice shall be no fewer times than required by
26 Section 6061 of the Government Code, by the public agency in a
27 newspaper of general circulation in the area.

28 (c) For purposes of this section, “roadway” means a roadway
29 as defined pursuant to Section 530 of the Vehicle Code and the
30 previously graded and maintained shoulder that is within a roadway
31 right-of-way of no more than five feet from the edge of the
32 roadway.

33 (d) (1) If a state agency determines that a project is not subject
34 to this division pursuant to this section and it approves or
35 determines to carry out that project, it shall file a notice with the
36 Office of Planning and Research in the manner specified in
37 subdivisions (b) and (c) of Section 21108.

38 (2) If a local agency determines that a project is not subject to
39 this division pursuant to this section and it approves or determines
40 to carry out that project, it shall file a notice with the Office of

1 Planning and Research, and with the county clerk in the county in
2 which the project will be located in the manner specified in
3 subdivisions (b) and (c) of Section 21152.

4 SEC. 13. Division 13.6 (commencing with Section 21200) is
5 added to the Public Resources Code, to read:

6
7 DIVISION 13.6. ADVANCE MITIGATION PROGRAM ACT

8
9 CHAPTER 1. GENERAL

10
11 21200. This division shall be known, and may be cited, as the
12 Advance Mitigation Program Act.

13 21201. (a) The purpose of this division is to improve the
14 success and effectiveness of actions implemented to mitigate the
15 natural resource impacts of future transportation projects by
16 establishing the means to implement those actions well before the
17 transportation projects are constructed. The advance identification
18 and implementation of mitigation actions also will streamline the
19 delivery of transportation projects by anticipating mitigation
20 requirements for planned transportation projects and avoiding or
21 reducing delays associated with environmental permitting. By
22 identifying regional or statewide conservation priorities and by
23 anticipating the impacts of planned transportation projects on a
24 regional or statewide basis, mitigation actions can be designed to
25 protect and restore California's most valuable natural resources
26 and also facilitate environmental compliance for planned
27 transportation projects on a regional scale.

28 (b) This division is not intended to create a new environmental
29 permitting or regulatory program or to modify existing
30 environmental laws or regulations, nor is it expected that all
31 mitigation requirements will be addressed for planned
32 transportation projects. Instead, it is intended to provide a
33 methodology with which to anticipate and fulfill the requirements
34 of existing state and federal environmental laws that protect fish,
35 wildlife, plant species, and other natural resources more efficiently
36 and effectively.

37 21202. The Legislature finds and declares all of the following:

38 (a) The minimization and mitigation of environmental impacts
39 is ordinarily handled on a project-by-project basis, usually near

1 the end of a project's timeline and often without guidance regarding
2 regional or statewide conservation priorities.

3 (b) The cost of critical transportation projects often escalates
4 because of permitting delays that occur when appropriate
5 conservation and mitigation measures cannot easily be identified
6 and because the cost of these measures often increases between
7 the time a project is planned and funded and the time mitigation
8 is implemented.

9 (c) Addressing conservation and mitigation needs early in a
10 project's timeline, during the project design and development
11 phase, can reduce costs, allow natural resources conservation to
12 be integrated with project siting and design, and result in the
13 establishment of more valuable and productive habitat mitigation.

14 (d) When the Department of Transportation is able to anticipate
15 the mitigation needs for planned transportation projects, it can
16 meet those needs in a more timely and cost-effective way by using
17 advance mitigation planning.

18 (e) Working with state and federal resource protection agencies,
19 the department can identify, conserve, and, where appropriate,
20 restore lands for mitigation of numerous projects early in the
21 projects' timelines, thereby allowing public funds to stretch further
22 by acquiring habitat at a lower cost and avoiding environmental
23 permitting delays.

24 (f) Advance mitigation can provide an effective means of
25 facilitating delivery of transportation projects while ensuring more
26 effective natural resource conservation.

27 (g) Advance mitigation is needed to direct mitigation funding
28 for transportation projects to agreed-upon conservation priorities
29 and to the creation of habitat reserves and recreation areas that
30 enhance the sustainability of human and natural systems by
31 protecting or restoring connectivity of natural communities and
32 the delivery of ecosystem services.

33 (h) Advance mitigation can facilitate the implementation of
34 climate change adaptation strategies both for ecosystems and
35 California's economy.

36 (i) Advance mitigation can enable the state to protect, restore,
37 and recover its natural resources as it strengthens and improves
38 its transportation systems.

39 21203. The Legislature intends to do all of the following by
40 enacting this division:

1 (a) Facilitate delivery of transportation projects while ensuring
2 more effective natural resource conservation.

3 (b) Develop effective strategies to improve the state’s ability to
4 meet mounting demands for transportation improvements and to
5 maximize conservation and other public benefits.

6 (c) Achieve conservation objectives of statewide and regional
7 importance by coordinating local, state, and federally funded
8 natural resource conservation efforts with mitigation actions
9 required for impacts from transportation projects.

10 (d) Create administrative, governance, and financial incentives
11 and mechanisms necessary to ensure that measures required to
12 minimize or mitigate impacts from transportation projects will
13 serve to achieve regional or statewide natural resource conservation
14 objectives.

15
16 CHAPTER 2. DEFINITIONS
17

18 21204. For purposes of this division, the following terms have
19 the following meanings:

20 (a) “Acquire” and “acquisition” mean, with respect to land or
21 a waterway, acquisition of fee title or purchase of a conservation
22 easement, that protects conservation and mitigation values on the
23 land or waterway in perpetuity.

24 (b) “Advance mitigation” means mitigation implemented before,
25 and in anticipation of, environmental effects of planned
26 transportation projects.

27 (c) “Commission” means the California Transportation
28 Commission.

29 (d) “Department” means the Department of Transportation.

30 (e) “Transportation agency” means the department, the
31 High-Speed Rail Authority, a metropolitan planning organization,
32 a regional transportation planning agency, or another public agency
33 that implements transportation projects.

34 (f) “Transportation project” means a transportation capital
35 improvement project.

36 (g) “Planned transportation project” means a transportation
37 project that a transportation agency has concluded is reasonably
38 likely to be constructed within 20 years and that has been identified
39 to the agency for purposes of this division. A planned transportation

1 project may include, but is not limited to, a transportation project
2 that has been proposed for approval or that has been approved.

3 (h) “Program” means the Advance Mitigation Program
4 implemented pursuant to this division.

5 (i) “Regulatory agency” means a state or federal natural resource
6 protection agency with regulatory authority over planned
7 transportation projects. A regulatory agency includes, but is not
8 limited to, the Natural Resources Agency, the Department of Fish
9 and Wildlife, California regional water quality control boards, the
10 United States Fish and Wildlife Service, the National Marine
11 Fisheries Service, the United States Environmental Protection
12 Agency, and the United States Army Corps of Engineers.

13
14 CHAPTER 3. ADVANCE MITIGATION PROGRAM
15

16 21205. (a) The Advance Mitigation Program is hereby created
17 in the department to accelerate project delivery and improve
18 environmental outcomes of environmental mitigation for planned
19 transportation projects.

20 (b) The program may utilize mitigation instruments, including,
21 but not limited to, mitigation banks, in lieu of fee programs, and
22 conservation easements as defined in Section 815.1 of the Civil
23 Code.

24 (c) The department shall track all implemented advance
25 mitigation projects to use as credits for environmental mitigation
26 for state-sponsored transportation projects.

27 (d) The department may use advance mitigation credits to fulfill
28 mitigation requirements of any environmental law for a
29 transportation project eligible for the State Transportation
30 Improvement Program or the State Highway Operation and
31 Protection Program.

32 21206. No later than February 1, 2017, the department shall
33 establish an interagency transportation advance mitigation steering
34 committee consisting of the department and appropriate state and
35 federal regulatory agencies to support the program so that advance
36 mitigation can be used as required mitigation for planned
37 transportation projects and can provide improved environmental
38 outcomes. The committee shall advise the department of
39 opportunities to carry out advance mitigation projects, provide the
40 best available science, and actively participate in mitigation

1 instrument reviews and approvals. The committee shall seek to
2 develop streamlining opportunities, including those related to
3 landscape scale mitigation planning and alignment of federal and
4 state regulations and procedures related to mitigation requirements
5 and implementation. The committee shall also provide input on
6 crediting, using, and tracking of advance mitigation investments.

7 21207. The Advance Mitigation Fund is hereby created in the
8 State Transportation Fund as a revolving fund. Notwithstanding
9 Section 13340 of the Government Code, the fund shall be
10 continuously appropriated without regard to fiscal years. The
11 moneys in the fund shall be programmed by the commission for
12 the planning and implementation of advance mitigation projects
13 consistent with the purposes of this chapter. After the transfer of
14 moneys to the fund for four fiscal years pursuant to subdivision
15 (c) of Section 2032 of the Streets and Highways Code, commencing
16 in the 2017–18 fiscal year, the program is intended to be
17 self-sustaining. Advance expenditures from the fund shall later be
18 reimbursed from project funding available at the time a planned
19 transportation project is constructed. A maximum of 5 percent of
20 available funds may be used for administrative purposes.

21 21208. *The program is intended to improve the efficiency and*
22 *efficacy of mitigation only and is not intended to supplant the*
23 *requirements of the California Environmental Quality Act (Division*
24 *13 (commencing with Section 21000) or any other environmental*
25 *law. The identification of planned transportation projects and of*
26 *mitigation projects or measures for planned transportation projects*
27 *under this division does not imply or require approval of those*
28 *projects for purposes of the California Environmental Quality Act*
29 *(Division 13 (commencing with Section 21000) or any other*
30 *environmental law.*

31 SEC. 14. Section 99312.1 of the Public Utilities Code is
32 amended to read:

33 99312.1. (a) Revenues transferred to the Public Transportation
34 Account pursuant to Sections 6051.8 and 6201.8 of the Revenue
35 and Taxation Code are hereby continuously appropriated to the
36 Controller for allocation as follows:

37 (1) Fifty percent for allocation to transportation planning
38 agencies, county transportation commissions, and the San Diego
39 Metropolitan Transit Development Board pursuant to Section
40 99314.

(2) Fifty percent for allocation to transportation agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board for purposes of Section 99313.

(b) For purposes of this chapter, the revenues allocated pursuant to this section shall be subject to the same requirements as revenues allocated pursuant to subdivisions (b) and (c), as applicable, of Section 99312.

(c) The revenues transferred to the Public Transportation Account that are attributable to the increase in the sales and use tax on diesel fuel pursuant to subdivision (b) of Section 6051.8 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, and subdivision (b) of Section 6201.8 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, upon allocation pursuant to Sections 99313 and 99314, shall only be expended on the following:

(1) Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or existing transit facilities, including rehabilitation or modernization of existing vehicles or facilities.

(2) The design, acquisition, and construction of new vehicles or facilities that improve existing transit services.

(3) Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

(d) (1) Prior to receiving an apportionment of funds pursuant to subdivision (c) from the Controller in a fiscal year, a recipient transit agency shall submit to the Department of Transportation a list of projects proposed to be funded with these funds. The list of projects proposed to be funded with these funds shall include a description and location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of a recipient transit agency to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (c).

(2) The department shall report to the Controller the recipient transit agencies that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds for the applicable fiscal year. The

1 Controller, upon receipt of the report, shall apportion funds
2 pursuant to Sections 99313 and 99314.

3 (e) For each fiscal year, each recipient transit agency receiving
4 an apportionment of funds pursuant to subdivision (c) shall, upon
5 expending those funds, submit documentation to the department
6 that includes a description and location of each completed project,
7 the amount of funds expended on the project, the completion date,
8 and the estimated useful life of the improvement.

9 (f) The audit of transit operator finances required pursuant to
10 Section 99245 shall verify that the revenues identified in
11 subdivision (c) have been expended in conformance with these
12 specific requirements and all other generally applicable
13 requirements.

14 SEC. 15. Section 6051.8 of the Revenue and Taxation Code
15 is amended to read:

16 6051.8. (a) Except as provided by Section 6357.3, in addition
17 to the taxes imposed by this part, for the privilege of selling
18 tangible personal property at retail a tax is hereby imposed upon
19 all retailers at the rate of 1.75 percent of the gross receipts of any
20 retailer from the sale of all diesel fuel.

21 (b) Except as provided by Section 6357.3, in addition to the
22 taxes imposed by this part and by subdivision (a), for the privilege
23 of selling tangible personal property at retail a tax is hereby
24 imposed upon all retailers at the rate of 3.5 percent of the gross
25 receipts of any retailer from the sale of all diesel fuel, as defined
26 in Section 60022, sold at retail in this state. The tax imposed under
27 this subdivision shall be imposed on and after the first day of the
28 first calendar quarter that occurs 90 days after the effective date
29 of the act adding this subdivision.

30 (c) Beginning July 1, 2019, and every third year thereafter, the
31 State Board of Equalization shall recompute the rates of the taxes
32 imposed by this section. That computation shall be made as
33 follows:

34 (1) The Department of Finance shall transmit to the State Board
35 of Equalization the percentage change in the California Consumer
36 Price Index for all items from November of three calendar years
37 prior to November of the prior calendar year, no later than January
38 31, 2019, and January 31 of every third year thereafter.

39 (2) The State Board of Equalization shall do all of the following:

1 (A) Compute an inflation adjustment factor by adding 100
2 percent to the percentage change figure that is furnished pursuant
3 to paragraph (1) and dividing the result by 100.

4 (B) Multiply the preceding tax rate per gallon by the inflation
5 adjustment factor determined in subparagraph (A) and round off
6 the resulting product to the nearest tenth of a cent.

7 (C) Make its determination of the new rate no later than March
8 1 of the same year as the effective date of the new rate.

9 (d) Notwithstanding subdivision (b) of Section 7102, all of the
10 revenues, less refunds, collected pursuant to this section shall be
11 estimated by the State Board of Equalization, with the concurrence
12 of the Department of Finance, and transferred quarterly to the
13 Public Transportation Account in the State Transportation Fund
14 for allocation pursuant to Section 99312.1 of the Public Utilities
15 Code.

16 SEC. 16. Section 6201.8 of the Revenue and Taxation Code
17 is amended to read:

18 6201.8. (a) Except as provided by Section 6357.3, in addition
19 to the taxes imposed by this part, an excise tax is hereby imposed
20 on the storage, use, or other consumption in this state of diesel
21 fuel, as defined in Section 60022, at the rate of 1.75 percent of the
22 sales price of the diesel fuel.

23 (b) Except as provided by Section 6357.3, in addition to the
24 taxes imposed by this part and by subdivision (a), an excise tax is
25 hereby imposed on the storage, use, or other consumption in this
26 state of diesel fuel, as defined in Section 60022, at the rate of 3.5
27 percent of the sales price of the diesel fuel. The tax imposed under
28 this subdivision shall be imposed on and after the first day of the
29 first calendar quarter that occurs 90 days after the effective date
30 of the act adding this subdivision.

31 (c) Beginning July 1, 2019, and every third year thereafter, the
32 State Board of Equalization shall recompute the rates of the taxes
33 imposed by this section. That computation shall be made as
34 follows:

35 (1) The Department of Finance shall transmit to the State Board
36 of Equalization the percentage change in the California Consumer
37 Price Index for all items from November of three calendar years
38 prior to November of the prior calendar year, no later than January
39 31, 2019, and January 31 of every third year thereafter.

40 (2) The State Board of Equalization shall do all of the following:

1 (A) Compute an inflation adjustment factor by adding 100
2 percent to the percentage change figure that is furnished pursuant
3 to paragraph (1) and dividing the result by 100.

4 (B) Multiply the preceding tax rate per gallon by the inflation
5 adjustment factor determined in subparagraph (A) and round off
6 the resulting product to the nearest tenth of a cent.

7 (C) Make its determination of the new rate no later than March
8 1 of the same year as the effective date of the new rate.

9 (d) Notwithstanding subdivision (b) of Section 7102, all of the
10 revenues, less refunds, collected pursuant to this section shall be
11 estimated by the State Board of Equalization, with the concurrence
12 of the Department of Finance, and transferred quarterly to the
13 Public Transportation Account in the State Transportation Fund
14 for allocation pursuant to Section 99312.1 of the Public Utilities
15 Code.

16 SEC. 17. Section 7360 of the Revenue and Taxation Code is
17 amended to read:

18 7360. (a) (1) (A) A tax of eighteen cents (\$0.18) is hereby
19 imposed upon each gallon of fuel subject to the tax in Sections
20 7362, 7363, and 7364.

21 (B) In addition to the tax imposed pursuant to subparagraph
22 (A), on and after the first day of the first calendar quarter that
23 occurs 90 days after the effective date of the act adding this
24 subparagraph, a tax of seventeen cents (\$0.17) is hereby imposed
25 upon each gallon of fuel, other than aviation gasoline, subject to
26 the tax in Sections 7362, 7363, and 7364.

27 (2) If the federal fuel tax is reduced below the rate of nine cents
28 (\$0.09) per gallon and federal financial allocations to this state for
29 highway and exclusive public mass transit guideway purposes are
30 reduced or eliminated correspondingly, the tax rate imposed by
31 subparagraph (A) of paragraph (1), on and after the date of the
32 reduction, shall be recalculated by an amount so that the combined
33 state rate under subparagraph (A) of paragraph (1) and the federal
34 tax rate per gallon equal twenty-seven cents (\$0.27).

35 (3) If any person or entity is exempt or partially exempt from
36 the federal fuel tax at the time of a reduction, the person or entity
37 shall continue to be so exempt under this section.

38 (b) On and after July 1, 2010, in addition to the tax imposed by
39 subdivision (a), a tax is hereby imposed upon each gallon of motor
40 vehicle fuel, other than aviation gasoline, subject to the tax in

1 Sections 7362, 7363, and 7364 in an amount equal to seventeen
2 and three-tenths cents (\$0.173) per gallon.

3 (c) Beginning July 1, 2019, and every third year thereafter, the
4 State Board of Equalization shall recompute the rates of the taxes
5 imposed by this section. That computation shall be made as
6 follows:

7 (1) The Department of Finance shall transmit to the State Board
8 of Equalization the percentage change in the California Consumer
9 Price Index for all items from November of three calendar years
10 prior to November of the prior calendar year, no later than January
11 31, 2019, and January 31 of every third year thereafter.

12 (2) The State Board of Equalization shall do all of the following:

13 (A) Compute an inflation adjustment factor by adding 100
14 percent to the percentage change figure that is furnished pursuant
15 to paragraph (1) and dividing the result by 100.

16 (B) Multiply the preceding tax rate per gallon by the inflation
17 adjustment factor determined in subparagraph (A) and round off
18 the resulting product to the nearest tenth of a cent.

19 (C) Make its determination of the new rate no later than March
20 1 of the same year as the effective date of the new rate.

21 SEC. 18. Section 8352.4 of the Revenue and Taxation Code
22 is amended to read:

23 8352.4. (a) Subject to Sections 8352 and 8352.1, and except
24 as otherwise provided in subdivision (b), there shall be transferred
25 from the money deposited to the credit of the Motor Vehicle Fuel
26 Account to the Harbors and Watercraft Revolving Fund, for
27 expenditure in accordance with Division 1 (commencing with
28 Section 30) of the Harbors and Navigation Code, the sum of six
29 million six hundred thousand dollars (\$6,600,000) per annum,
30 representing the amount of money in the Motor Vehicle Fuel
31 Account attributable to taxes imposed on distributions of motor
32 vehicle fuel used or usable in propelling vessels. The actual amount
33 shall be calculated using the annual reports of registered boats
34 prepared by the Department of Motor Vehicles for the United
35 States Coast Guard and the formula and method of the December
36 1972 report prepared for this purpose and submitted to the
37 Legislature on December 26, 1972, by the Director of
38 Transportation. If the amount transferred during each fiscal year
39 is in excess of the calculated amount, the excess shall be
40 retransferred from the Harbors and Watercraft Revolving Fund to

1 the Motor Vehicle Fuel Account. If the amount transferred is less
2 than the amount calculated, the difference shall be transferred from
3 the Motor Vehicle Fuel Account to the Harbors and Watercraft
4 Revolving Fund. No adjustment shall be made if the computed
5 difference is less than fifty thousand dollars (\$50,000), and the
6 amount shall be adjusted to reflect any temporary or permanent
7 increase or decrease that may be made in the rate under the Motor
8 Vehicle Fuel Tax Law. Payments pursuant to this section shall be
9 made prior to payments pursuant to Section 8352.2.

10 (b) Commencing July 1, 2016, the revenues attributable to the
11 taxes imposed pursuant to subdivision (b) of Section 7360 and
12 Section 7361.1 and otherwise to be deposited in the Harbors and
13 Watercraft Revolving Fund pursuant to subdivision (a) shall instead
14 be transferred to the Highway Users Tax Account for distribution
15 pursuant to Section 2103.1 of the Streets and Highways Code.

16 SEC. 19. Section 8352.5 of the Revenue and Taxation Code
17 is amended to read:

18 8352.5. (a) (1) Subject to Sections 8352 and 8352.1, and
19 except as otherwise provided in subdivision (b), there shall be
20 transferred from the money deposited to the credit of the Motor
21 Vehicle Fuel Account to the Department of Food and Agriculture
22 Fund, during the second quarter of each fiscal year, an amount
23 equal to the estimate contained in the most recent report prepared
24 pursuant to this section.

25 (2) The amounts are not subject to Section 6357 with respect
26 to the collection of sales and use taxes thereon, and represent the
27 portion of receipts in the Motor Vehicle Fuel Account during a
28 calendar year that were attributable to agricultural off-highway
29 use of motor vehicle fuel which is subject to refund pursuant to
30 Section 8101, less gross refunds allowed by the Controller during
31 the fiscal year ending June 30 following the calendar year to
32 persons entitled to refunds for agricultural off-highway use
33 pursuant to Section 8101. Payments pursuant to this section shall
34 be made prior to payments pursuant to Section 8352.2.

35 (b) Commencing July 1, 2016, the revenues attributable to the
36 taxes imposed pursuant to subdivision (b) of Section 7360 and
37 Section 7361.1 and otherwise to be deposited in the Department
38 of Food and Agriculture Fund pursuant to subdivision (a) shall
39 instead be transferred to the Highway Users Tax Account for

1 distribution pursuant to Section 2103.1 of the Streets and Highways
2 Code.

3 (c) On or before September 30, 2012, and on or before
4 September 30 of each even-numbered year thereafter, the Director
5 of Transportation and the Director of Food and Agriculture shall
6 jointly prepare, or cause to be prepared, a report setting forth the
7 current estimate of the amount of money in the Motor Vehicle
8 Fuel Account attributable to agricultural off-highway use of motor
9 vehicle fuel, which is subject to refund pursuant to Section 8101
10 less gross refunds allowed by the Controller to persons entitled to
11 refunds for agricultural off-highway use pursuant to Section 8101;
12 and they shall submit a copy of the report to the Legislature.

13 SEC. 20. Section 8352.6 of the Revenue and Taxation Code
14 is amended to read:

15 8352.6. (a) (1) Subject to Section 8352.1, and except as
16 otherwise provided in paragraphs (2) and (3), on the first day of
17 every month, there shall be transferred from moneys deposited to
18 the credit of the Motor Vehicle Fuel Account to the Off-Highway
19 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
20 an amount attributable to taxes imposed upon distributions of motor
21 vehicle fuel used in the operation of motor vehicles off highway
22 and for which a refund has not been claimed. Transfers made
23 pursuant to this section shall be made prior to transfers pursuant
24 to Section 8352.2.

25 (2) Commencing July 1, 2016, the revenues attributable to the
26 taxes imposed pursuant to subdivision (b) of Section 7360 and
27 Section 7361.1 and otherwise to be deposited in the Off-Highway
28 Vehicle Trust Fund pursuant to paragraph (1) shall instead be
29 transferred to the Highway Users Tax Account for distribution
30 pursuant to Section 2103.1 of the Streets and Highways Code.

31 (3) The Controller shall withhold eight hundred thirty-three
32 thousand dollars (\$833,000) from the monthly transfer to the
33 Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and
34 transfer that amount to the General Fund.

35 (b) The amount transferred to the Off-Highway Vehicle Trust
36 Fund pursuant to paragraph (1) of subdivision (a), as a percentage
37 of the Motor Vehicle Fuel Account, shall be equal to the percentage
38 transferred in the 2006–07 fiscal year. Every five years, starting
39 in the 2013–14 fiscal year, the percentage transferred may be
40 adjusted by the Department of Transportation in cooperation with

1 the Department of Parks and Recreation and the Department of
2 Motor Vehicles. Adjustments shall be based on, but not limited
3 to, the changes in the following factors since the 2006–07 fiscal
4 year or the last adjustment, whichever is more recent:

5 (1) The number of vehicles registered as off-highway motor
6 vehicles as required by Division 16.5 (commencing with Section
7 38000) of the Vehicle Code.

8 (2) The number of registered street-legal vehicles that are
9 anticipated to be used off highway, including four-wheel drive
10 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

11 (3) Attendance at the state vehicular recreation areas.

12 (4) Off-highway recreation use on federal lands as indicated by
13 the United States Forest Service’s National Visitor Use Monitoring
14 and the United States Bureau of Land Management’s Recreation
15 Management Information System.

16 (c) It is the intent of the Legislature that transfers from the Motor
17 Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund
18 should reflect the full range of motorized vehicle use off highway
19 for both motorized recreation and motorized off-road access to
20 other recreation opportunities. Therefore, the Legislature finds that
21 the fuel tax baseline established in subdivision (b), attributable to
22 off-highway estimates of use as of the 2006–07 fiscal year,
23 accounts for the three categories of vehicles that have been found
24 over the years to be users of fuel for off-highway motorized
25 recreation or motorized access to nonmotorized recreational
26 pursuits. These three categories are registered off-highway
27 motorized vehicles, registered street-legal motorized vehicles used
28 off highway, and unregistered off-highway motorized vehicles.

29 (d) It is the intent of the Legislature that the off-highway motor
30 vehicle recreational use to be determined by the Department of
31 Transportation pursuant to paragraph (2) of subdivision (b) be that
32 usage by vehicles subject to registration under Division 3
33 (commencing with Section 4000) of the Vehicle Code, for
34 recreation or the pursuit of recreation on surfaces where the use
35 of vehicles registered under Division 16.5 (commencing with
36 Section 38000) of the Vehicle Code may occur.

37 (e) In the 2014–15 fiscal year, the Department of Transportation,
38 in consultation with the Department of Parks and Recreation and
39 the Department of Motor Vehicles, shall undertake a study to
40 determine the appropriate adjustment to the amount transferred

1 pursuant to subdivision (b) and to update the estimate of the amount
2 attributable to taxes imposed upon distributions of motor vehicle
3 fuel used in the operation of motor vehicles off highway and for
4 which a refund has not been claimed. The department shall provide
5 a copy of this study to the Legislature no later than January 1,
6 2016.

7 SEC. 21. Section 60050 of the Revenue and Taxation Code is
8 amended to read:

9 60050. (a) (1) A tax of thirteen cents (\$0.13) is hereby
10 imposed upon each gallon of diesel fuel subject to the tax in
11 Sections 60051, 60052, and 60058.

12 (2) If the federal fuel tax is reduced below the rate of fifteen
13 cents (\$0.15) per gallon and federal financial allocations to this
14 state for highway and exclusive public mass transit guideway
15 purposes are reduced or eliminated correspondingly, the tax rate
16 imposed by paragraph (1) shall be increased by an amount so that
17 the combined state rate under paragraph (1) and the federal tax
18 rate per gallon equal what it would have been in the absence of
19 the federal reduction.

20 (3) If any person or entity is exempt or partially exempt from
21 the federal fuel tax at the time of a reduction, the person or entity
22 shall continue to be exempt under this section.

23 (b) In addition to the tax imposed pursuant to subdivision (a),
24 on and after the first day of the first calendar quarter that occurs
25 90 days after the effective date of the act amending this subdivision
26 in the 2015 First Extraordinary Session, an additional tax of thirty
27 cents (\$0.30) is hereby imposed upon each gallon of diesel fuel
28 subject to the tax in Sections 60051, 60052, and 60058.

29 (c) Beginning July 1, 2019, and every third year thereafter, the
30 State Board of Equalization shall recompute the rates of the taxes
31 imposed by this section. That computation shall be made as
32 follows:

33 (1) The Department of Finance shall transmit to the State Board
34 of Equalization the percentage change in the California Consumer
35 Price Index for all items from November of three calendar years
36 prior to November of the prior calendar year, no later than January
37 31, 2019, and January 31 of every third year thereafter.

38 (2) The State Board of Equalization shall do all of the following:

1 (A) Compute an inflation adjustment factor by adding 100
2 percent to the percentage change figure that is furnished pursuant
3 to paragraph (1) and dividing the result by 100.

4 (B) Multiply the preceding tax rate per gallon by the inflation
5 adjustment factor determined in subparagraph (A) and round off
6 the resulting product to the nearest tenth of a cent.

7 (C) Make its determination of the new rate no later than March
8 1 of the same year as the effective date of the new rate.

9 SEC. 22. Section 183.1 of the Streets and Highways Code is
10 amended to read:

11 183.1. Except as otherwise provided in Section 54237.7 of the
12 Government Code, money deposited into the account that is not
13 subject to Article XIX of the California Constitution, including,
14 but not limited to, money that is derived from the sale of
15 documents, charges for miscellaneous services to the public,
16 condemnation deposits fund investments, rental of state property,
17 or any other miscellaneous uses of property or money, shall be
18 deposited in the Road Maintenance and Rehabilitation Account
19 created pursuant to Section 2031.

20 SEC. 23. Section 820.1 of the Streets and Highways Code is
21 amended to read:

22 820.1. (a) The State of California consents to the jurisdiction
23 of the federal courts with regard to the compliance, discharge, or
24 enforcement of the responsibilities assumed by the department
25 pursuant to Section 326 of, and subsection (a) of Section 327 of,
26 Title 23 of the United States Code.

27 (b) In any action brought pursuant to the federal laws described
28 in subdivision (a), no immunity from suit may be asserted by the
29 department pursuant to the Eleventh Amendment to the United
30 States Constitution, and any immunity is hereby waived.

31 (c) The department shall not delegate any of its responsibilities
32 assumed pursuant to the federal laws described in subdivision (a)
33 to any political subdivision of the state or its instrumentalities.

34 (d) Nothing in this section affects the obligation of the
35 department to comply with state and federal law.

36 SEC. 24. Chapter 2 (commencing with Section 2030) is added
37 to Division 3 of the Streets and Highways Code, to read:

CHAPTER 2. ROAD MAINTENANCE AND REHABILITATION PROGRAM

2030. (a) The Road Maintenance and Rehabilitation Program is hereby created to address deferred maintenance on the state highway system and the local street and road system. Funds made available by the program shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects. For funds appropriated pursuant to paragraph (1) of subdivision (d) of Section 2032, the California Transportation Commission shall adopt performance criteria, consistent with the asset management plan required pursuant to 14526.4 of the Government Code, to ensure efficient use of the funds available for these purposes in the program.

(b) (1) Funds made available by the program shall be used for projects that include, but are not limited to, the following:

- (A) Road maintenance and rehabilitation.
- (B) Safety projects.
- (C) Railroad grade separations.
- (D) Complete street components, including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project.
- (E) Traffic control devices.

(2) Funds made available by the program may also be used to satisfy a match requirement in order to obtain state or federal funds for projects authorized by this subdivision.

2031. The following revenues shall be deposited in the Road Maintenance and Rehabilitation Account, which is hereby created in the State Transportation Fund:

(a) Notwithstanding subdivision (b) of Section 2103, the portion of the revenues in the Highway Users Tax Account attributable to the increase in the motor vehicle fuel excise tax by seventeen cents (\$0.17) per gallon pursuant to subdivision (a) of Section 7360 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section.

(b) The revenues from the increase in the vehicle registration fee pursuant to Section 9250.3 of the Vehicle Code.

(c) The revenues from the increase in the vehicle registration fee pursuant to Section 9250.6 of the Vehicle Code.

1 (d) The revenues deposited in the account pursuant to Section
2 183.1 of the Streets and Highways Code.

3 (e) Any other revenues designated for the program.

4 2031.5. Each fiscal year the annual Budget Act shall contain
5 an appropriation from the Road Maintenance and Rehabilitation
6 Account to the Controller for the costs of carrying out his or her
7 duties pursuant to this chapter and to the California Transportation
8 Commission for the costs of carrying out its duties pursuant to this
9 chapter and Section 14526.7 of the Government Code.

10 2032. (a) (1) After deducting the amounts appropriated in the
11 annual Budget Act, as provided in Section 2031.5, two hundred
12 million dollars (\$200,000,000) of the remaining revenues deposited
13 in the Road Maintenance and Rehabilitation Account shall be set
14 aside annually for counties that have sought and received voter
15 approval of taxes or that have imposed fees, including uniform
16 developer fees as defined by subdivision (b) of Section 8879.67
17 of the Government Code, which taxes or fees are dedicated solely
18 to transportation improvements. The Controller shall each month
19 set aside one-twelfth of this amount, to accumulate a total of two
20 hundred million dollars (\$200,000,000) in each fiscal year.

21 (2) Notwithstanding Section 13340 of the Government Code,
22 the funds available under this subdivision in each fiscal year are
23 hereby continuously appropriated for allocation to each eligible
24 county and each city in the county for road maintenance and
25 rehabilitation purposes pursuant to Section 2033.

26 (b) (1) After deducting the amounts appropriated in the annual
27 Budget Act pursuant to Section 2031.5 and the amount allocated
28 in subdivision (a), beginning in the 2017–18 fiscal year, eighty
29 million dollars (\$80,000,000) of the remaining revenues shall be
30 transferred annually to the State Highway Account for expenditure,
31 upon appropriation by the Legislature, on the Active Transportation
32 Program created pursuant to Chapter 8 (commencing with Section
33 2380) of Division 3 to be allocated by the California Transportation
34 Commission pursuant to Section 2381.

35 (2) In addition to the funds transferred in paragraph (1), the
36 department shall annually identify savings achieved through
37 efficiencies implemented at the department. The department,
38 through the annual budget process, shall propose, from the
39 identified savings, an appropriation to be included in the annual
40 Budget Act of up to seventy million dollars (\$70,000,000), but not

1 to exceed the total annual identified savings, from the State
2 Highway Account for expenditure on the Active Transportation
3 Program.

4 (c) After deducting the amounts appropriated in the annual
5 Budget Act pursuant to Section 2031.5, the amount allocated in
6 subdivision (a) and the amount transferred in paragraph (1) of
7 subdivision (b), in the 2017–18, 2018–19, 2019–20, and 2020–21
8 fiscal years, the sum of thirty million dollars (\$30,000,000) in each
9 fiscal year from the remaining revenues shall be transferred to the
10 Advance Mitigation Fund in the State Transportation Fund created
11 pursuant to Section 21207 of the Public Resources Code.

12 (d) After deducting the amounts appropriated in the annual
13 Budget Act pursuant to Section 2031.5, the amount allocated in
14 subdivision (a), and the amounts transferred in paragraph (1) of
15 subdivision (b) and in subdivision (c), beginning in the 2017–18
16 fiscal year and each fiscal year thereafter, and notwithstanding
17 Section 13340 of the Government Code, there is hereby
18 continuously appropriated to the California State University the
19 sum of two million dollars (\$2,000,000) from the remaining
20 revenues for the purpose of conducting transportation research and
21 transportation-related workforce education, training, and
22 development. Prior to the start of each fiscal year, the chairs of the
23 Assembly Committee on Transportation and the Senate Committee
24 on Transportation and Housing shall confer and set out a
25 recommended priority list of research components to be addressed
26 in the upcoming fiscal year.

27 (e) Notwithstanding Section 13340 of the Government Code,
28 the balance of the revenues deposited in the Road Maintenance
29 and Rehabilitation Account are hereby continuously appropriated
30 as follows:

31 (1) Fifty percent for allocation to the department for maintenance
32 of the state highway system or for purposes of the state highway
33 operation and protection program.

34 (2) Fifty percent for apportionment to cities and counties by the
35 Controller pursuant to the formula in clauses (i) and (ii) of
36 subparagraph (C) of paragraph (3) of subdivision (a) of Section
37 2103 for the purposes authorized by this chapter.

38 2033. (a) On or before January 1, 2017, the commission, in
39 cooperation with the department, transportation planning agencies,
40 county transportation commissions, and other local agencies, shall

1 develop guidelines for the allocation of funds pursuant to
2 subdivision (a) of Section 2032.

3 (b) The guidelines shall be the complete and full statement of
4 the policy, standards, and criteria that the commission intends to
5 use to determine how these funds will be allocated.

6 (c) The commission may amend the adopted guidelines after
7 conducting at least one public hearing.

8 2034. (a) (1) Prior to receiving an apportionment of funds
9 under the program pursuant to paragraph (2) of subdivision (d) of
10 Section 2032 from the Controller in a fiscal year, an eligible city
11 or county shall submit to the commission a list of projects proposed
12 to be funded with these funds pursuant to an adopted city or county
13 budget. All projects proposed to receive funding shall be included
14 in a city or county budget that is adopted by the applicable city
15 council or county board of supervisors at a regular public meeting.
16 The list of projects proposed to be funded with these funds shall
17 include a description and the location of each proposed project, a
18 proposed schedule for the project's completion, and the estimated
19 useful life of the improvement. The project list shall not limit the
20 flexibility of an eligible city or county to fund projects in
21 accordance with local needs and priorities so long as the projects
22 are consistent with subdivision (b) of Section 2030.

23 (2) The commission shall report to the Controller the cities and
24 counties that have submitted a list of projects as described in this
25 subdivision and that are therefore eligible to receive an
26 apportionment of funds under the program for the applicable fiscal
27 year. The Controller, upon receipt of the report, shall apportion
28 funds to eligible cities and counties.

29 (b) For each fiscal year, each city or county receiving an
30 apportionment of funds shall, upon expending program funds,
31 submit documentation to the commission that includes a description
32 and location of each completed project, the amount of funds
33 expended on the project, the completion date, and the estimated
34 useful life of the improvement.

35 2036. (a) Cities and counties shall maintain their existing
36 commitment of local funds for street, road, and highway purposes
37 in order to remain eligible for an allocation or apportionment of
38 funds pursuant to Section 2032.

39 (b) In order to receive an allocation or apportionment pursuant
40 to Section 2032, the city or county shall annually expend from its

1 general fund for street, road, and highway purposes an amount not
2 less than the annual average of its expenditures from its general
3 fund during the 2009–10, 2010–11, and 2011–12 fiscal years, as
4 reported to the Controller pursuant to Section 2151. For purposes
5 of this subdivision, in calculating a city’s or county’s annual
6 general fund expenditures and its average general fund expenditures
7 for the 2009–10, 2010–11, and 2011–12 fiscal years, any
8 unrestricted funds that the city or county may expend at its
9 discretion, including vehicle in-lieu tax revenues and revenues
10 from fines and forfeitures, expended for street, road, and highway
11 purposes shall be considered expenditures from the general fund.
12 One-time allocations that have been expended for street and
13 highway purposes, but which may not be available on an ongoing
14 basis, including revenue provided under the Teeter Plan Bond Law
15 of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1
16 of Division 2 of Title 5 of the Government Code), may not be
17 considered when calculating a city’s or county’s annual general
18 fund expenditures.

19 (c) For any city incorporated after July 1, 2009, the Controller
20 shall calculate an annual average expenditure for the period
21 between July 1, 2009, and December 31, 2015, inclusive, that the
22 city was incorporated.

23 (d) For purposes of subdivision (b), the Controller may request
24 fiscal data from cities and counties in addition to data provided
25 pursuant to Section 2151, for the 2009–10, 2010–11, and 2011–12
26 fiscal years. Each city and county shall furnish the data to the
27 Controller not later than 120 days after receiving the request. The
28 Controller may withhold payment to cities and counties that do
29 not comply with the request for information or that provide
30 incomplete data.

31 (e) The Controller may perform audits to ensure compliance
32 with subdivision (b) when deemed necessary. Any city or county
33 that has not complied with subdivision (b) shall reimburse the state
34 for the funds it received during that fiscal year. Any funds withheld
35 or returned as a result of a failure to comply with subdivision (b)
36 shall be reapportioned to the other counties and cities whose
37 expenditures are in compliance.

38 (f) If a city or county fails to comply with the requirements of
39 subdivision (b) in a particular fiscal year, the city or county may
40 expend during that fiscal year and the following fiscal year a total

1 amount that is not less than the total amount required to be
2 expended for those fiscal years for purposes of complying with
3 subdivision (b).

4 2037. A city or county may spend its apportionment of funds
5 under the program on transportation priorities other than those
6 allowable pursuant to this chapter if the city's or county's average
7 Pavement Condition Index meets or exceeds 80.

8 2038. (a) The department and local agencies, as a condition
9 of receiving funds from the program, shall adopt and implement
10 a program designed to promote and advance construction
11 employment and training opportunities through preapprenticeship
12 opportunities, either by the public agency itself or through
13 contractors engaged by the public agencies to do work funded in
14 whole or in part by funds made available by the program.

15 (b) The department and local agencies, as a condition of
16 receiving funds from the program, shall ensure the involvement
17 of the California Conservation Corps and certified community
18 conservation corps in the delivery of projects and services funded
19 in whole or in part by funds made available by the program.

20 SEC. 25. Section 2103.1 is added to the Streets and Highways
21 Code, to read:

22 2103.1. (a) Notwithstanding Section 2103, the revenues
23 transferred to the Highway Users Tax Account pursuant to Sections
24 8352.4, 8352.5, and 8352.6 of the Revenue and Taxation Code
25 shall be distributed pursuant to the formula in paragraph (3) of
26 subdivision (a) of Section 2103.

27 (b) Notwithstanding subdivision (b) of Section 2103, the portion
28 of revenues in the Highway Users Tax Account attributable to the
29 increase in the motor vehicle fuel excise tax by seventeen cents
30 (\$0.17) per gallon pursuant to subdivision (a) of Section 7360 of
31 the Revenue and Taxation Code, as adjusted pursuant to
32 subdivision (c) of that section, shall be transferred to the Road
33 Maintenance and Rehabilitation Account pursuant to Section 2031.

34 (c) Notwithstanding subdivision (b) of Section 2103, the portion
35 of revenues in the Highway Users Tax Account attributable to the
36 increase in the diesel fuel excise tax by thirty cents (\$0.30) per
37 gallon pursuant to subdivision (b) of Section 60050 of the Revenue
38 and Taxation Code, as adjusted pursuant to subdivision (c) of that
39 section, shall be transferred to the Trade Corridors Improvement
40 Fund pursuant to Section 2192.4.

SEC. 26. Section 2192 of the Streets and Highways Code is amended to read:

2192. (a) (1) The Trade Corridors Improvement Fund, created pursuant to subdivision (c) of Section 8879.23 of the Government Code, is hereby continued in existence to receive revenues from state sources other than the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.

(2) Revenues apportioned to the state under Section 167 of Title 23 of the United States Code from the national highway freight program, pursuant to the federal Fixing America's Surface Transportation Act ("FAST Act," Public Law 114-94) shall be allocated for projects approved pursuant to this chapter.

(b) This chapter shall govern the expenditure of those state and federal revenues described in subdivision (a).

(c) The funding described in subdivision (a) shall be available upon appropriation for allocation by the California Transportation Commission for infrastructure improvements in this state on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement, as determined by the commission. In determining the projects eligible for funding, the commission shall consult the Transportation Agency's state freight plan as described in Section 13978.8 of the Government Code and the trade infrastructure and goods movement plan submitted to the commission by the Secretary of Transportation and the Secretary for Environmental Protection. The commission shall also consult trade infrastructure and goods movement plans adopted by regional transportation planning agencies, adopted regional transportation plans required by state and federal law, and the applicable port master plan when determining eligible projects for funding. Eligible projects for these funds include, but are not limited to, all of the following:

(1) Highway capacity improvements, rail landside access improvements, landside freight access improvements to airports, and operational improvements to more efficiently accommodate the movement of freight, particularly for ingress and egress to and from the state's land ports of entry, rail terminals, and seaports, including navigable inland waterways used to transport freight between seaports, land ports of entry, and airports, and to relieve traffic congestion along major trade or goods movement corridors.

(2) Freight rail system improvements to enhance the ability to move goods from seaports, land ports of entry, and airports to warehousing and distribution centers throughout California, including projects that separate rail lines from highway or local road traffic, improve freight rail mobility through mountainous regions, relocate rail switching yards, and other projects that improve the efficiency and capacity of the rail freight system.

(3) Projects to enhance the capacity and efficiency of ports.

(4) Truck corridor and capital and operational improvements, including dedicated truck facilities or truck toll facilities.

(5) Border capital and operational improvements that enhance goods movement between California and Mexico and that maximize the state's ability to access funds made available to the state by federal law.

(6) Surface transportation and connector road improvements to effectively facilitate the movement of goods, particularly for ingress and egress to and from the state's land ports of entry, airports, and seaports, to relieve traffic congestion along major trade or goods movement corridors.

(d) (1) Except as provided in paragraph (2), the commission shall allocate the funding described in subdivision (a) for trade infrastructure improvements consistent with Section 8879.52 of the Government Code and the Trade Corridors Improvement Fund (TCIF) Guidelines adopted by the commission on November 27, 2007, or as amended by the commission, and in a manner that (A) addresses the state's most urgent needs, (B) balances the demands of various land ports of entry, seaports, and airports, (C) provides reasonable geographic balance between the state's regions, (D) places emphasis on projects that improve trade corridor mobility and safety while reducing emissions of diesel particulate and other pollutant emissions and reducing other negative community impacts, and (E) makes a significant contribution to the state's economy.

(2) The commission shall allocate the federal freight funding, specifically, pursuant to the original TCIF Guidelines, as adopted by the commission on November 27, 2007, and in the manner described in (A) to (E), inclusive, of paragraph (1).

(3) In addition, the commission shall also consider the following factors when allocating these funds:

1 (A) “Velocity,” which means the speed by which large cargo
2 would travel from the land port of entry or seaport through the
3 distribution system.

4 (B) “Throughput,” which means the volume of cargo that would
5 move from the land port of entry or seaport through the distribution
6 system.

7 (C) “Reliability,” which means a reasonably consistent and
8 predictable amount of time for cargo to travel from one point to
9 another on any given day or at any given time in California.

10 (D) “Congestion reduction,” which means the reduction in
11 recurrent daily hours of delay to be achieved.

12 SEC. 27. Section 2192.1 of the Streets and Highways Code is
13 amended to read:

14 2192.1. (a) To the extent moneys from the Greenhouse Gas
15 Reduction Fund, attributable to the auction or sale of allowances
16 as part of a market-based compliance mechanism relative to
17 reduction of greenhouse gas emissions, are transferred to the Trade
18 Corridors Improvement Fund, projects funded with those moneys
19 shall be subject to all of the requirements of existing law applicable
20 to the expenditure of moneys appropriated from the Greenhouse
21 Gas Reduction Fund, including, but not limited to, all of the
22 following:

23 (1) Projects shall further the regulatory purposes of the
24 California Global Warming Solutions Act of 2006 (Division 25.5
25 (commencing with Section 38500) of the Health and Safety Code),
26 including reducing emissions from greenhouse gases in the state,
27 directing public and private investment toward disadvantaged
28 communities, increasing the diversity of energy sources, or creating
29 opportunities for businesses, public agencies, nonprofits, and other
30 community institutions to participate in and benefit from statewide
31 efforts to reduce emissions of greenhouse gases.

32 (2) Projects shall be consistent with the guidance developed by
33 the State Air Resources Board pursuant to Section 39715 of the
34 Health and Safety Code.

35 (3) Projects shall be consistent with the required benefits to
36 disadvantaged communities pursuant to Section 39713 of the
37 Health and Safety Code.

38 (b) All allocations of funds made by the commission pursuant
39 to this section shall be made in a manner consistent with the criteria
40 expressed in Section 39712 of the Health and Safety Code and

1 with the investment plan developed by the Department of Finance
2 pursuant to Section 39716 of the Health and Safety Code.

3 (c) For purposes of this section, “disadvantaged community”
4 means a community with any of the following characteristics:

5 (1) An area with a median household income less than 80
6 percent of the statewide median household income based on the
7 most current census tract-level data from the American Community
8 Survey.

9 (2) An area identified by the California Environmental
10 Protection Agency pursuant to Section 39711 of the Health and
11 Safety Code.

12 (3) An area where at least 75 percent of public school students
13 are eligible to receive free or reduced-price meals under the
14 National School Lunch Program.

15 SEC. 28. Section 2192.2 of the Streets and Highways Code is
16 amended to read:

17 2192.2. The commission shall allocate funds made available
18 by this chapter to projects that have identified and committed
19 supplemental funding from appropriate local, federal, or private
20 sources. The commission shall determine the appropriate amount
21 of supplemental funding each project should have to be eligible
22 for moneys based on a project-by-project review and an assessment
23 of the project’s benefit to the state and the program. Funded
24 improvements shall have supplemental funding that is at least equal
25 to the amount of the contribution under this chapter. The
26 commission may give priority for funding to projects with higher
27 levels of committed supplemental funding.

28 SEC. 29. Section 2192.4 is added to the Streets and Highways
29 Code, to read:

30 2192.4. Notwithstanding subdivision (b) of Section 2103, the
31 portion of the revenues in the Highway Users Tax Account
32 attributable to the increase in the diesel fuel excise tax by thirty
33 cents (\$0.30) per gallon pursuant to subdivision (b) of Section
34 60050 of the Revenue and Taxation Code, as adjusted pursuant to
35 subdivision (c) of that section, shall be deposited in the Trade
36 Corridors Improvement Fund.

37 SEC. 30. Section 9250.3 is added to the Vehicle Code, to read:

38 9250.3. (a) In addition to any other fees specified in this code
39 or the Revenue and Taxation Code, commencing 120 days after
40 the effective date of the act adding this section, a registration fee

1 of thirty-eight dollars (\$38) shall be paid to the department for
2 registration or renewal of registration of every vehicle subject to
3 registration under this code, except those vehicles that are expressly
4 exempted under this code from payment of registration fees.

5 (b) Beginning July 1, 2019, and every third year thereafter, the
6 Department of Motor Vehicles shall adjust the fee imposed under
7 this section for inflation in an amount equal to the change in the
8 California Consumer Price Index for the prior three-year period,
9 as calculated by the Department of Finance, with amounts equal
10 to or greater than fifty cents (\$0.50) rounded to the next highest
11 whole dollar.

12 (c) Revenues from the fee, after the deduction of the
13 department's administrative costs related to this section, shall be
14 deposited in the Road Maintenance and Rehabilitation Account
15 created pursuant to Section 2031 of the Streets and Highways
16 Code.

17 SEC. 31. Section 9250.6 is added to the Vehicle Code, to read:

18 9250.6. (a) In addition to any other fees specified in this code,
19 or the Revenue and Taxation Code, commencing 120 days after
20 the effective date of the act adding this section, a registration fee
21 of one hundred and sixty-five dollars (\$165) shall be paid to the
22 department for registration or renewal of registration of every
23 zero-emission motor vehicle subject to registration under this code,
24 except those motor vehicles that are expressly exempted under
25 this code from payment of registration fees.

26 (b) Beginning July 1, 2019, and every third year thereafter, the
27 Department of Motor Vehicles shall adjust the fee imposed under
28 this section for inflation in an amount equal to the change in the
29 California Consumer Price Index for the prior three-year period,
30 as calculated by the Department of Finance, with amounts equal
31 to or greater than fifty cents (\$0.50) rounded to the next highest
32 whole dollar.

33 (c) Revenues from the fee, after deduction of the department's
34 administrative costs related to this section, shall be deposited in
35 the Road Maintenance and Rehabilitation Account created pursuant
36 to Section 2031 of the Streets and Highways Code.

37 (d) This section does not apply to a commercial motor vehicle
38 subject to Section 9400.1.

1 (e) The registration fee required pursuant to this section does
2 not apply to the initial registration after the purchase of a new
3 zero-emission motor vehicle.

4 (f) For purposes of this section, “zero-emission motor vehicle”
5 means a motor vehicle as described in subdivisions (c) and (d) of
6 Section 44258 of the Health and Safety Code, or any other motor
7 vehicle that is able to operate on any fuel other than gasoline or
8 diesel fuel.

9 SEC. 32. Section 9400.5 is added to the Vehicle Code, to read:

10 9400.5. (a) Notwithstanding Sections 9400.1, 9400.4, and
11 42205 of this code, Sections 16773 and 16965 of the Government
12 Code, Section 2103 of the Streets and Highways Code, or any
13 other law, weight fee revenues shall only be transferred consistent
14 with the schedule provided in subdivision (b) from the State
15 Highway Account to the Transportation Debt Service Fund, the
16 Transportation Bond Direct Payment Account, or any other fund
17 or account for the purpose of payment of the debt service on
18 transportation general obligation bonds and shall not be loaned to
19 the General Fund.

20 (b) (1) The transfer of weight fee revenues, after deduction of
21 collection costs, from the State Highway Account pursuant to
22 subdivision (a) shall not exceed:

23 (A) 80 percent of the total weight fees in the 2017–18 fiscal
24 year.

25 (B) 60 percent of the total weight fees in the 2018–19 fiscal
26 year.

27 (C) 40 percent of the total weight fees in the 2019–20 fiscal
28 year.

29 (D) 20 percent of the total weight fees in the 2020–2021 fiscal
30 year.

31 (2) No weight fees, after deduction of collection costs, shall be
32 transferred from the State Highway Account after the 2020–21
33 fiscal year.

34 SEC. 33. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety within
36 the meaning of Article IV of the Constitution and shall go into
37 immediate effect. The facts constituting the necessity are:

- 1 In order to provide additional funding for road maintenance and
- 2 rehabilitation purposes as quickly as possible, it is necessary for
- 3 this act to take effect immediately.

O

1 **"SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

2 "There are authorized to be appropriated such sums
3 as are necessary to carry out this title.

4 **"TITLE XVIII—OFF-HIGHWAY**
5 **VEHICLE RECREATION AREAS**

6 **"SEC. 1801. DESIGNATION OF OFF-HIGHWAY VEHICLE**
7 **RECREATION AREAS.**

8 "(a) DESIGNATION.—In accordance with the Federal
9 Land Policy and Management Act of 1976 (43 U.S.C.
10 1701 et seq.) and resource management plans developed
11 under this title and subject to valid rights, the following
12 land within the Conservation Area in San Bernardino
13 County, California, is designated as Off-Highway Vehicle
14 Recreation Areas:

15 "(1) DUMONT DUNES OFF-HIGHWAY VEHICLE
16 RECREATION AREA.—Certain Bureau of Land Man-
17 agement land in the Conservation Area, comprising
18 approximately 7,630 acres, as generally depicted on
19 the map entitled 'Dumont Dunes Proposed National
20 OHV Recreation Area' and dated January 5, 2015,
21 which shall be known as the 'Dumont Dunes Off-
22 Highway Vehicle Recreation Area'.

23 "(2) EL MIRAGE OFF-HIGHWAY VEHICLE
24 RECREATION AREA.—Certain Bureau of Land Man-
25 agement land in the Conservation Area, comprising
26 approximately 14,930 acres, as generally depicted on

1 the map entitled 'El Mirage Proposed National OHV
2 Recreation Area' and dated July 15, 2009, which
3 shall be known as the 'El Mirage Off-Highway Vehi-
4 cle Recreation Area'.

5 “(3) RASOR OFF-HIGHWAY VEHICLE RECRE-
6 ATION AREA.—Certain Bureau of Land Management
7 land in the Conservation Area, comprising approxi-
8 mately 23,910 acres, as generally depicted on the
9 map entitled 'Rasor Proposed National OHV Recre-
10 ation Area' and dated July 15, 2009, which shall be
11 known as the 'Rasor Off-Highway Vehicle Recre-
12 ation Area'.

13 “(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE
14 RECREATION AREA.—Certain Bureau of Land Man-
15 agement land in the Conservation Area, comprising
16 approximately 56,140 acres, as generally depicted on
17 the map entitled 'Spangler Hills Proposed National
18 OHV Recreation Area' and dated July 16, 2009,
19 which shall be known as the 'Spangler Off-Highway
20 Vehicle Recreation Area'.

21 “(5) STODDARD VALLEY OFF-HIGHWAY VEHI-
22 CLE RECREATION AREA.—Certain Bureau of Land
23 Management land in the Conservation Area, com-
24 prising approximately 40,110 acres, as generally de-
25 picted on the map entitled 'Stoddard Valley Pro-

1 posed National OHV Recreation Area' and dated
2 July 16, 2009, which shall be known as the 'Stod-
3 dard Valley Off-Highway Vehicle Recreation Area'.

4 “(b) PURPOSE.—The purpose of the off-highway ve-
5 hicle recreation areas designated under subsection (a) is
6 to preserve and enhance the recreational opportunities
7 within the Conservation Area (including opportunities for
8 off-highway vehicle recreation), while conserving the wild-
9 life and other natural resource values of the Conservation
10 Area.

11 “(c) MAPS AND DESCRIPTIONS.—

12 “(1) PREPARATION AND SUBMISSION.—As soon
13 as practicable after the date of enactment of this
14 title, the Secretary shall file a map and legal de-
15 scription of each off-highway vehicle recreation area
16 designated by subsection (a) with—

17 “(A) the Committee on Natural Resources
18 of the House of Representatives; and

19 “(B) the Committee on Energy and Nat-
20 ural Resources of the Senate.

21 “(2) LEGAL EFFECT.—The map and legal de-
22 scriptions of the off-highway vehicle recreation areas
23 filed under paragraph (1) shall have the same force
24 and effect as if included in this title, except that the

1 Secretary may correct errors in the map and legal
2 descriptions.

3 “(3) PUBLIC AVAILABILITY.—Each map and
4 legal description filed under paragraph (1) shall be
5 filed and made available for public inspection in the
6 appropriate offices of the Bureau of Land Manage-
7 ment.

8 “(d) USE OF THE LAND.—

9 “(1) RECREATIONAL ACTIVITIES.—

10 “(A) IN GENERAL.—The Secretary shall
11 continue to authorize, maintain, and enhance
12 the recreational uses of the off-highway vehicle
13 recreation areas designated by subsection (a),
14 including off-highway recreation, hiking, camp-
15 ing, hunting, mountain biking, sightseeing,
16 rockhounding, and horseback riding, as long as
17 the recreational use is consistent with this sec-
18 tion and any other applicable law.

19 “(B) OFF-HIGHWAY VEHICLE AND OFF-
20 HIGHWAY RECREATION.—To the extent con-
21 sistent with applicable Federal law (including
22 regulations) and this section, any authorized
23 recreation activities and use designations in ef-
24 fect on the date of enactment of this title and
25 applicable to the off-highway vehicle recreation

1 areas designated by subsection (a) shall con-
2 tinue, including casual off-highway vehicular
3 use, racing, competitive events, rock crawling,
4 training, and other forms of off-highway recre-
5 ation.

6 “(2) WILDLIFE GUZZLERS.—Wildlife guzzlers
7 shall be allowed in the off-highway vehicle recreation
8 areas designated by subsection (a) in accordance
9 with—

10 “(A) applicable Bureau of Land Manage-
11 ment guidelines; and

12 “(B) State law.

13 “(3) PROHIBITED USES.—Commercial develop-
14 ment (including development of mining and energy
15 facilities, but excluding energy transport facilities,
16 rights-of-way, and related telecommunication facili-
17 ties) shall be prohibited in the off-highway vehicle
18 recreation areas designated by subsection (a) if the
19 Secretary determines that the development is incom-
20 patible with the purpose described in subsection (b).

21 “(e) ADMINISTRATION.—

22 “(1) IN GENERAL.—The Secretary shall admin-
23 ister the off-highway vehicle recreation areas des-
24 ignated by subsection (a) in accordance with—

25 “(A) this title;

1 “(B) the Federal Land Policy and Man-
2 agement Act of 1976 (43 U.S.C. 1701 et seq.);
3 and

4 “(C) any other applicable laws (including
5 regulations).

6 “(2) MANAGEMENT PLAN.—

7 “(A) IN GENERAL.—As soon as prac-
8 ticable, but not later than 3 years after the date
9 of enactment of this title, the Secretary shall—

10 “(i) amend existing resource manage-
11 ment plans applicable to the land des-
12 ignated as off-highway vehicle recreation
13 areas under subsection (a); or

14 “(ii) develop new management plans
15 for each off-highway vehicle recreation
16 area designated under that subsection.

17 “(B) REQUIREMENTS.—All new or amend-
18 ed plans under subparagraph (A) shall be de-
19 signed to preserve and enhance safe off-highway
20 vehicle and other recreational opportunities
21 within the applicable recreation area consistent
22 with—

23 “(i) the purpose described in sub-
24 section (b); and

1 “(ii) any applicable laws (including
2 regulations).

3 “(C) INTERIM PLANS.—Pending comple-
4 tion of a new management plan under subpara-
5 graph (A), the existing resource management
6 plans shall govern the use of the applicable off-
7 highway vehicle recreation area.

8 “(f) STUDY.—

9 “(1) IN GENERAL.—As soon as practicable, but
10 not later than 2 years, after the date of enactment
11 of this title, the Secretary shall complete a study to
12 identify Bureau of Land Management land within
13 the Conservation Area that is suitable for addition
14 to—

15 “(A) the national off-highway vehicle recre-
16 ation areas designated by subsection (a); or

17 “(B) the Johnson Valley Off-Highway Ve-
18 hicle Recreation Area designated by section
19 2945 of the National Defense Authorization Act
20 for Fiscal Year 2014 (Public Law 113–66; 127
21 Stat. 1038).

22 “(2) STUDY AREAS.—The study required under
23 paragraph (1) shall include—

24 “(A) certain Bureau of Land Management
25 land in the Conservation Area, comprising ap-

1 proximately 41,000 acres, as generally depicted
2 on the map entitled ‘Spangler Hills Proposed
3 Expansion Study Area’ and dated January 23,
4 2015; and

5 “(B) certain Bureau of Land Management
6 land in the Conservation Area, comprising ap-
7 proximately 680 acres, as generally depicted on
8 the map entitled ‘El Mirage Proposed Expan-
9 sion Study Area’ and dated January 21, 2015.

10 “(3) REQUIREMENTS.—In preparing the study
11 under paragraph (1), the Secretary shall—

12 “(A) seek input from stakeholders, includ-
13 ing—

14 “(i) the State, including—

15 “(I) the California Public Utili-
16 ties Commission; and

17 “(II) the California Energy Com-
18 mission;

19 “(ii) San Bernardino County, Cali-
20 fornia;

21 “(iii) the public;

22 “(iv) recreational user groups;

23 “(v) conservation organizations;

24 “(vi) the Southern California Edison
25 Company; and

1 “(vii) the Pacific Gas and Electric
2 Company;

3 “(B) explore the feasibility of expanding
4 the southern boundary of the off-highway vehi-
5 cle recreation area described in subsection
6 (a)(3) to include previously disturbed land;

7 ~~“(C) identify and exclude from consider-~~
8 ~~ation any land that—~~

9 “(i) is managed for conservation pur-
10 poses;

11 “(ii) may be suitable for renewable en-
12 ergy development; or

13 “(iii) may be necessary for energy
14 transmission; and

15 “(D) not recommend or approve expansion
16 of national off-highway recreation areas within
17 the Conservation Area that collectively would
18 exceed the total acres administratively des-
19 ignated for off-highway recreation within the
20 Conservation Area as of the day before the date
21 of enactment of the National Defense Author-
22 ization Act for Fiscal Year 2014 (Public Law
23 113–66; 127 Stat. 672).

24 “(4) APPLICABLE LAW.—The Secretary shall
25 consider the information and recommendations of

1 the study completed under paragraph (1) to deter-
2 mine the impacts of expanding off-highway vehicle
3 recreation areas designated by subsection (a) on the
4 Conservation Area, in accordance with—

5 “(A) the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.);

7 “(B) the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.); and

9 “(C) any other applicable law.

10 “(5) SUBMISSION TO CONGRESS.—On comple-
11 tion of the study under paragraph (1), the Secretary
12 shall submit the study to—

13 “(A) the Committee on Natural Resources
14 of the House of Representatives; and

15 “(B) the Committee on Energy and Nat-
16 ural Resources of the Senate.

17 “(6) AUTHORIZATION FOR EXPANSION.—

18 “(A) IN GENERAL.—On completion of the
19 study under paragraph (1) and in accordance
20 with all applicable laws (including regulations),
21 the Secretary shall authorize the expansion of
22 the off-highway vehicle recreation areas rec-
23 ommended under the study.

1 “(B) MANAGEMENT.—Any land within the
2 expanded areas under subparagraph (A) shall
3 be managed in accordance with this section.

4 “(g) SOUTHERN CALIFORNIA EDISON COMPANY
5 UTILITY FACILITIES AND RIGHTS-OF-WAY.—

6 “(1) EFFECT OF TITLE.—Nothing in this
7 title—

8 “(A) terminates any validly issued right-of-
9 way for the customary operation, maintenance,
10 upgrade, repair, relocation within an existing
11 right-of-way, replacement, or other authorized
12 energy transport facility activities (including the
13 use of any mechanized vehicle, helicopter, and
14 other aerial device) in a right-of-way issued,
15 granted, or permitted to Southern California
16 Edison Company (including any predecessor or
17 successor in interest or assign) that is located
18 on land included in—

19 “(i) the El Mirage Off-Highway Vehi-
20 cle Recreation Area;

21 “(ii) the Spangler Hills National Off-
22 Highway Vehicle Recreation Area; or

23 “(iii) the Stoddard Valley National
24 Off Highway Vehicle Recreation Area;

1 “(B) affects the application, siting, route
2 selection, right-of-way acquisition, or construc-
3 tion of the Coolwater-Lugo transmission
4 project, as may be approved by the California
5 Public Utilities Commission and the Bureau of
6 Land Management; or

7 “(C) prohibits the upgrading or replace-
8 ment of any Southern California Edison Com-
9 pany—

10 “(i) utility facility, including such a
11 utility facility known on the date of enact-
12 ment of this title as—

13 “(I) ‘Gale-PS 512 transmission
14 lines or rights-of-way’; or

15 “(II) ‘Patio, Jack Ranch, and
16 Kenworth distribution circuits or
17 rights-of-way’; or

18 “(ii) energy transport facility in a
19 right-of-way issued, granted, or permitted
20 by the Secretary adjacent to a utility facil-
21 ity referred to in clause (i).

22 “(2) PLANS FOR ACCESS.—The Secretary, in
23 consultation with the Southern California Edison
24 Company, shall publish plans for regular and emer-
25 gency access by the Southern California Edison

1 Company to the rights-of-way of the Company by
2 the date that is 1 year after the later of—

3 “(A) the date of enactment of this title;
4 and

5 “(B) the date of issuance of a new energy
6 transport facility right-of-way within—

7 “(i) the El Mirage Off-Highway Vehi-
8 cle Recreation Area;

9 “(ii) the Spangler Hills National Off-
10 Highway Vehicle Recreation Area; or

11 “(iii) the Stoddard Valley National
12 Off Highway Vehicle Recreation Area.

13 “(h) PACIFIC GAS AND ELECTRIC COMPANY UTILITY
14 FACILITIES AND RIGHTS-OF-WAY.—

15 “(1) EFFECT OF TITLE.—Nothing in this
16 title—

17 “(A) terminates any validly issued right-of-
18 way for the customary operation, maintenance,
19 upgrade, repair, relocation within an existing
20 right-of-way, replacement, or other authorized
21 activity (including the use of any mechanized
22 vehicle, helicopter, and other aerial device) in a
23 right-of-way issued, granted, or permitted to
24 Pacific Gas and Electric Company (including
25 any predecessor or successor in interest or as-

1 sign) that is located on land included in the
2 Spangler Hills National Off-Highway Vehicle
3 Recreation Area; or

4 “(B) prohibits the upgrading or replace-
5 ment of any—

6 “(i) utility facilities of the Pacific Gas
7 and Electric Company, including those
8 utility facilities known on the date of en-
9 actment of this title as—

10 “(I) ‘Gas Transmission Line 311
11 or rights-of-way’; or

12 “(II) ‘Gas Transmission Line
13 372 or rights-of-way’; or

14 “(ii) utility facilities of the Pacific
15 Gas and Electric Company in rights-of-way
16 issued, granted, or permitted by the Sec-
17 retary adjacent to a utility facility referred
18 to in clause (i).

19 “(2) PLANS FOR ACCESS.—Not later than 1
20 year after the date of enactment of this title or the
21 issuance of a new utility facility right-of-way within
22 the Spangler Hills National Off-Highway Vehicle
23 Recreation Area, whichever is later, the Secretary, in
24 consultation with the Pacific Gas and Electric Com-
25 pany, shall publish plans for regular and emergency

1 access by the Pacific Gas and Electric Company to
2 the rights-of-way of the Pacific Gas and Electric
3 Company.

4 **“TITLE XIX—ALABAMA HILLS**
5 **NATIONAL SCENIC AREA**

6 **“SEC. 1901. DEFINITIONS.**

7 “In this title:

8 “(1) ENERGY TRANSPORT FACILITY.—

9 “(A) IN GENERAL.—The term ‘energy
10 transport facility’ means any facility used for
11 the operation and maintenance, transmission,
12 distribution, or transportation of electricity or
13 natural gas.

14 “(B) INCLUSIONS.—The term ‘energy
15 transport facility’ includes—

16 “(i) an electric or gas transmission or
17 distribution facility;

18 “(ii) a telecommunications facility;
19 and

20 “(iii) any appurtenant equipment
21 owned or used by a public or municipal
22 utility company or water district.

23 “(2) MANAGEMENT PLAN.—The term ‘manage-
24 ment plan’ means the management plan for the Na-
25 tional Scenic Area developed under section 1903(a).

114TH CONGRESS
1ST SESSION

S. 1040

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. HELLER (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ROV In-Depth Exam-
5 ination Act of 2015”.

1 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STAND-**
2 **ARDS STUDY.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMISSION.—The term “Commission”
5 means the Consumer Product Safety Commission.

6 (2) RECREATIONAL OFF-HIGHWAY VEHICLE
7 AND ROV.—

8 (A) IN GENERAL.—The term “recreational
9 off-highway vehicle” or “ROV” means a motor-
10 ized off-highway vehicle designed to travel on
11 four or more tires, intended by the manufac-
12 turer for recreational use by one or more per-
13 sons and having the following characteristics:

14 (i) A steering wheel for steering con-
15 trol.

16 (ii) Foot controls for throttle and
17 service brake.

18 (iii) Non-straddle seating.

19 (iv) Maximum speed capability greater
20 than 30 miles per hour.

21 (v) Gross vehicle weight rating no
22 greater than 3,750 pounds.

23 (vi) Less than 80 inches in overall
24 width, exclusive of accessories.

1 (vii) Engine displacement equal to or
2 less than 61 cubic inches for gasoline
3 fueled engines.

4 (viii) Identification by means of a 17-
5 character personal or vehicle information
6 number.

7 (B) EXCLUSION.—Such term does not in-
8 clude a prototype of a motorized, off-highway,
9 all-terrain vehicle or other motorized, off-high-
10 way, all-terrain vehicle that is intended exclu-
11 sively for research and development purposes
12 unless the vehicle is offered for sale.

13 (b) NO MANDATORY STANDARDS REGARDING PER-
14 FORMANCE OR CONFIGURATION OF ROVS.—

15 (1) IN GENERAL.—The Consumer Product
16 Safety Commission shall have no authority to estab-
17 lish any standards concerning the performance or
18 configuration of recreational off-highway vehicles
19 until after the completion of the study required by
20 subsection (c). This prohibition includes a prohibi-
21 tion on the exercise of any authority pursuant to
22 section 27(e) of the Consumer Product Safety Act
23 (15 U.S.C. 2076(e)) to require ROV manufacturers
24 to provide performance and technical data to pro-

spective purchasers and to the first purchaser of an ROV for purposes other than resale.

(2) VOLUNTARY STANDARDS.—Nothing in this section shall be construed as suggesting that ROVs shall not be manufactured in compliance with applicable voluntary standards.

(c) STUDY ON PROPOSED LATERAL STABILITY AND VEHICLE HANDLING REQUIREMENTS.—

(1) AGREEMENT.—

(A) IN GENERAL.—The Commission shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this subsection.

(B) TIMING.—The Commission shall seek to enter into the agreement described in subparagraph (A) not later than the latest date by which the Commission considers reasonable for the National Academy of Sciences to begin performing the services covered by this subsection and complete them before the date described in paragraph (2)(D).

(2) STUDY.—

(A) IN GENERAL.—Under an agreement between the Commission and the National Academy of Sciences under this subsection, the

1 National Academy of Sciences shall conduct a
2 study on matters concerning the lateral stability
3 and vehicle handling requirements proposed by
4 the Commission in a notice of proposed rule-
5 making published in the Federal Register No-
6 vember 19, 2014 (79 Fed. Reg. 68964).

7 (B) ELEMENTS.—The study carried under
8 subparagraph (A) shall determine—

9 (i) the technical validity of the lateral
10 stability and vehicle handling requirements
11 described in subparagraph (A), for pur-
12 poses of reducing the risk of ROV rollovers
13 in the off-road environment, including the
14 repeatability and reproducibility of testing
15 for compliance with such requirements;

16 (ii) the number of ROV rollovers that
17 would be prevented if the proposed require-
18 ments were adopted;

19 (iii) whether there is a technical basis
20 for the proposal to provide information on
21 a point-of-sale hangtag about a vehicle's
22 rollover resistance on a progressive scale;
23 and

1 (iv) the effect on the utility of ROVs
2 used by the Armed Forces if the proposed
3 requirements were adopted.

4 (C) CONSULTATION.—In carrying out the
5 study pursuant to subparagraph (A), the Na-
6 tional Academy of Sciences shall consult with
7 the Administrator of the National Highway
8 Traffic Safety Administration and the Secretary
9 of Defense.

10 (D) DEADLINE AND REPORT.—In carrying
11 out the study pursuant to subparagraph (A),
12 the National Academy of Sciences shall com-
13 plete and transmit to the Commission a report
14 containing the findings of the study not later
15 than 2 years after the date of the enactment of
16 this Act.

17 (3) REPORT TO CONGRESS.—Not later than 5
18 days after receiving the report described in para-
19 graph (2)(D) from the National Academy of
20 Sciences, the Commission shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of
22 the Senate and the Committee on Energy and Com-
23 merce of the House of Representatives such report,
24 along with such comments as the Commission may
25 have concerning the report.

1 (4) CONSIDERATION.—The Commission shall
 2 consider the results of the study conducted under
 3 this subsection in any subsequent rulemaking re-
 4 garding the performance or configuration of ROVs,
 5 or the provision of point-of-sale information regard-
 6 ing ROV performance.

7 (5) ALTERNATE CONTRACT ORGANIZATION.—

8 (A) IN GENERAL.—If the Commission is
 9 unable within the period prescribed in para-
 10 graph (1)(B) to enter into an agreement de-
 11 scribed in paragraph (1)(A) with the National
 12 Academy of Sciences on terms acceptable to the
 13 Commission, the Commission shall seek to enter
 14 into such an agreement with another appro-
 15 priate organization that—

16 (i) is not part of the Government;
 17 (ii) operates as a not-for-profit entity;
 18 and
 19 (iii) has expertise and objectivity com-
 20 parable to that of the National Academy of
 21 Sciences.

22 (B) TREATMENT.—If the Commission en-
 23 ters into an agreement with another organiza-
 24 tion as described in subparagraph (A), any ref-
 25 erence in this section to the National Academy

- 1 of Sciences shall be treated as a reference to
- 2 the other organization.



114TH CONGRESS
1ST SESSION

H. R. 792

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Acre In, Acre Out
5 Act”.

1 **SEC. 2. NO NET INCREASE IN CERTAIN FEDERAL LANDS.**

2 (a) IN GENERAL.—For acquisition of land by the
3 Secretary of the Interior or the Secretary of Agriculture
4 that would result in a net increase of total land acreage
5 under the jurisdiction of the National Park Service, the
6 United States Fish and Wildlife Service, the Bureau of
7 Land Management, or the Forest Service, the Secretary
8 concerned shall offer for sale an equal number of acres
9 of Federal land that is under the same jurisdictional sta-
10 tus.

11 (b) EXEMPTIONS.—Subsection (a) shall not apply to
12 easements acquired—

13 (1) by the Secretary of the Interior to facilitate
14 management of Federal lands; or

15 (2) by the Secretary of Agriculture to facilitate
16 management of Federal lands.

17 (c) CONSIDERATION.—

18 (1) IN GENERAL.—Land sold pursuant to sub-
19 section (a) shall be offered for sale—

20 (A) at fair market value (based on local
21 comparable sales); and

22 (B) at a price that is reduced by 10 per-
23 cent each month if the land is not sold or under
24 contract to be sold by the date that is 6 months
25 after the land was first offered for sale.

1 (2) EXCEPTION.—Time periods during which
2 land is under contract for sale or withdrawn from
3 the market shall not be counted for the purposes of
4 price reduction under paragraph (1)(B).

5 (d) EXISTING RIGHTS.—The sale of Federal lands
6 pursuant to this section shall be subject to valid existing
7 rights.

8 (e) PROCEEDS OF SALE OF LANDS.—All net proceeds
9 from the sale of Federal lands pursuant to this section
10 shall be deposited directly into the Treasury for reduction
11 of the public debt.

○

114TH CONGRESS
1ST SESSION

H. R. 999

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2015

Mr. POMPEO (for himself, Mr. PETERSON, Mr. PAULSEN, Mr. HARPER, Mr. DUFFY, Mr. STEWART, Mr. KING of Iowa, Mr. SIMPSON, Mr. BENISHEK, Mr. KLINE, Mr. ZINKE, Mr. OLSON, Mrs. NOEM, Mr. AMODEI, and Mr. STIVERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ROV In-Depth Exam-
5 ination Act”.

1 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STAND-**
2 **ARDS STUDY.**

3 (a) NO MANDATORY STANDARDS REGARDING PER-
4 FORMANCE OR CONFIGURATION OF ROVS.—

5 (1) IN GENERAL.—The Consumer Product
6 Safety Commission shall have no authority to estab-
7 lish any standards concerning the performance or
8 configuration of recreational off-highway vehicles
9 until after the completion of the study required by
10 subsection (b). This prohibition includes a prohibi-
11 tion on the exercise of any authority pursuant to
12 section 27(e) of the Consumer Product Safety Act
13 (15 U.S.C. 2076(e)) to require ROV manufacturers
14 to provide performance and technical data to pro-
15 spective purchasers and to the first purchaser of an
16 ROV for purposes other than resale.

17 (2) VOLUNTARY STANDARDS.—Nothing in this
18 section shall be construed as suggesting that ROVs
19 shall not be manufactured in compliance with appli-
20 cable voluntary standards.

21 (b) STUDY.—

22 (1) IN GENERAL.—The Commission shall con-
23 tract with the National Academy of Sciences to de-
24 termine—

25 (A) the technical validity of the lateral sta-
26 bility and vehicle handling requirements pro-

1 posed by the Commission in a notice of pro-
2 posed rulemaking published in the Federal Reg-
3 ister November 19, 2014 (79 Fed. Reg. 68964),
4 for purposes of reducing the risk of ROV roll-
5 overs in the off-road environment, including the
6 repeatability and reproducibility of testing for
7 compliance with such requirements;

8 (B) the number of ROV rollovers that
9 would be prevented if the proposed require-
10 ments were adopted;

11 (C) whether there is a technical basis for
12 the proposal to provide information on a point-
13 of-sale hangtag about a vehicle's rollover resist-
14 ance on a progressive scale; and

15 (D) the effect on the utility of ROVs used
16 by the Armed Forces if the proposed require-
17 ments were adopted.

18 (2) CONSULTATION AND DEADLINE FOR RE-
19 PORT.—The National Academy of Sciences shall
20 consult with the National Highway Traffic Safety
21 Administration and the Department of Defense in
22 carrying out the study required by this subsection.
23 The National Academy of Sciences shall complete
24 and transmit to the Commission a report containing

1 the findings of the study not later than two years
2 after the date of enactment of this Act.

3 (3) REPORT TO CONGRESS.—Within five days
4 of receiving the report described in paragraph (2)
5 from the National Academy of Sciences, the Com-
6 mission shall transmit the report, along with any
7 comments of the Commission, to the Committee on
8 Energy and Commerce of the House of Representa-
9 tives and to the Committee on Commerce, Science
10 and Transportation of the Senate.

11 (4) CONSIDERATION.—The Commission shall
12 consider the results of the study in any subsequent
13 rulemaking regarding the performance or configura-
14 tion of ROVs, or the provision of point-of-sale infor-
15 mation regarding ROV performance.

16 (c) DEFINITIONS.—As used in this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Consumer Product Safety Commission.

19 (2) RECREATIONAL OFF-HIGHWAY VEHICLE.—
20 The term “recreational off-highway vehicle” or
21 “ROV” means a motorized off-highway vehicle de-
22 signed to travel on four or more tires, intended by
23 the manufacturer for recreational use by one or
24 more persons and having the following characteris-
25 tics:

1 (A) A steering wheel for steering control.

2 (B) Foot controls for throttle and service
3 brake.

4 (C) Non-straddle seating.

5 (D) Maximum speed capability greater
6 than 30 miles per hour.

7 (E) Gross vehicle weight rating no greater
8 than 3,750 pounds.

9 (F) Less than 80 inches in overall width,
10 exclusive of accessories.

11 (G) Engine displacement equal to or less
12 than 61 cubic inches for gasoline fueled en-
13 gines.

14 (H) Identification by means of a 17-char-
15 acter personal or vehicle information number.

16 (3) EXCLUSION.—Such term does not include a
17 prototype of a motorized, off-highway, all-terrain ve-
18 hicle or other motorized, off-highway, all-terrain ve-
19 hicle that is intended exclusively for research and de-
20 velopment purposes unless the vehicle is offered for
21 sale.

○

114TH CONGRESS
2D SESSION

H. R. 1838

IN THE SENATE OF THE UNITED STATES

JULY 6, 2016

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clear Creek National
3 Recreation Area and Conservation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **MANAGEMENT PLAN.**—The term “manage-
7 ment plan” means the Plan for the Recreation Area
8 prepared under section 4(c).

9 (2) **RECREATION AREA.**—The term “Recreation
10 Area” means the Clear Creek National Recreation
11 Area.

12 (3) **SECRETARY.**—The term “Secretary” means
13 the Secretary of the Interior.

14 (4) **STATE.**—The term “State” means the State
15 of California.

16 (5) **OFF HIGHWAY VEHICLE.**—The term “off
17 highway vehicle” means any motorized vehicle de-
18 signed for or capable of cross-country travel on or
19 immediately over land, water, snow, or other natural
20 terrain and not intended for use on public roads.

21 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**
22 **RECREATION AREA.**

23 (a) **IN GENERAL.**—To promote environmentally re-
24 sponsible off highway vehicle recreation, the area generally
25 depicted as “Proposed Clear Creek National Recreation
26 Area” on the map titled “Proposed Clear Creek National

1 Recreation Area” and dated December 15, 2015, is estab-
2 lished as the “Clear Creek National Recreation Area”, to
3 be managed by the Secretary.

4 (b) OTHER PURPOSES.—The Recreation Area shall
5 also support other public recreational uses, such as hunt-
6 ing, hiking, and rock and gem collecting.

7 (c) MAP ON FILE.—Copies of the map referred to in
8 subsection (a) shall be on file and available for public in-
9 spection in—

10 (1) the Office of the Director of the Bureau of
11 Land Management; and

12 (2) the appropriate office of the Bureau of
13 Land Management in California.

14 **SEC. 4. MANAGEMENT.**

15 (a) IN GENERAL.—The Secretary shall manage the
16 Recreation Area to further the purposes described in sec-
17 tion 3(a), in accordance with—

18 (1) this Act;

19 (2) the Federal Land Policy and Management
20 Act of 1976 (43 U.S.C. 1701 et seq.); and

21 (3) any other applicable law.

22 (b) USES.—The Secretary shall—

23 (1) prioritize environmentally responsible off
24 highway vehicle recreation and also facilitate hunt-
25 ing, hiking, gem collecting, and the use of motorized

1 vehicles, mountain bikes, and horses in accordance
2 with the management plan described in subsection
3 (c);

4 (2) issue special recreation permits for motor-
5 ized and non-motorized events; and

6 (3) reopen the Clear Creek Management Area
7 to the uses described in this subsection as soon as
8 practicable following the enactment of this Act and
9 in accordance with the management guidelines out-
10 lined in this Act and other applicable law.

11 (c) INTERIM MANAGEMENT PLAN.—The Secretary
12 shall use the 2006 Clear Creek Management Area Re-
13 source Management Plan Amendment and Route Designa-
14 tion Record of Decision as modified by this Act or the
15 Secretary to incorporate natural resource protection infor-
16 mation not available in 2006, as the basis of an interim
17 management plan to govern off highway vehicle recreation
18 within the Recreation Area pending the completion of the
19 long-term management plan required in subsection (d).

20 (d) PERMANENT MANAGEMENT PLAN.—Not later
21 than 2 years after the date of the enactment of this Act,
22 the Secretary shall create a comprehensive management
23 plan for the Clear Creek Recreation Area that—

1 (1) shall describe the appropriate uses and
2 management of the Recreation Area in accordance
3 with this Act;

4 (2) shall be prepared in consultation with—

5 (A) appropriate Federal, State, and local
6 agencies (including San Benito, Monterey, and
7 Fresno Counties);

8 (B) adjacent land owners;

9 (C) other stakeholders (including conserva-
10 tion and recreational organizations); and

11 (D) holders of any easements, rights-of-
12 way, and other valid rights in the Recreation
13 Area;

14 (3) shall include a hazards education program
15 to inform people entering the Recreation Area of the
16 asbestos related risks associated with various activi-
17 ties within the Recreation Area, including off-high-
18 way vehicle recreation;

19 (4) shall include a user fee program for motor-
20 ized vehicle use within the Recreational Area and
21 guidelines for the use of the funds collected for the
22 management and improvement of the Recreation
23 Area;

24 (5) shall designate as many previously used
25 trails, roads, and other areas for off highway vehicle

1 recreation as feasible in accordance with this in
2 order to provide a substantially similar recreational
3 experience, except that nothing in this paragraph
4 shall be construed as precluding the Secretary from
5 closing any area, trail, or route from use for the
6 purposes of public safety or resource protection;

7 (6) may incorporate any appropriate decisions,
8 as determined by the Secretary, in accordance with
9 this Act, that are contained in any management or
10 activity plan for the area completed before the date
11 of the enactment of this Act;

12 (7) may incorporate appropriate wildlife habitat
13 management plans or other plans prepared for the
14 land within or adjacent to the Recreation Area be-
15 fore the date of the enactment of this Act, in accord-
16 ance with this Act;

17 (8) may use information developed under any
18 studies of land within or adjacent to the Recreation
19 Area carried out before the date of enactment of this
20 Act; and

21 (9) may include cooperative agreements with
22 State or local government agencies to manage all or
23 a portion of the recreational activities within the
24 Recreation Area in accordance with an approved
25 management plan and the requirements of this Act.

1 (e) ACQUISITION OF PROPERTY.—

2 (1) IN GENERAL.—The Secretary may acquire
3 land adjacent to the National Recreation Area by
4 purchase from willing sellers, donation, or exchange.

5 (2) MANAGEMENT.—Any land acquired under
6 paragraph (1) shall be managed in accordance
7 with—

8 (A) the Federal Land Policy and Manage-
9 ment Act of 1976 (43 U.S.C. 1701 et seq.);

10 (B) this Act; and

11 (C) any other applicable law (including
12 regulations).

13 (3) IMPROVED ACCESS.—The Secretary may ac-
14 quire by purchase from willing sellers, donation, ex-
15 change, or easement, land, or interest in land to im-
16 prove public safety in providing access to the Recre-
17 ation Area.

18 (f) PRIVATE PROPERTY.—

19 (1) ACCESS TO PRIVATE PROPERTY.—

20 (A) IN GENERAL.—The Secretary shall
21 provide landowners adequate access to in-
22 holdings within the Recreation Area.

23 (B) INHOLDINGS.—For access purposes,
24 private land adjacent to the Recreation Area to
25 which there is no other practicable access ex-

1 cept through the Recreation Area shall be man-
2 aged as an inholding.

3 (2) USE OF PRIVATE PROPERTY.—Nothing in
4 this Act affects the ownership, management, or
5 other rights relating to any non-Federal land (in-
6 cluding any interest in any non-Federal land).

7 (3) BUFFER ZONES.—Nothing in this Act cre-
8 ates a protective perimeter or buffer zone around the
9 Recreation Area.

10 (4) VALID RIGHTS.—Nothing in this Act affects
11 any easements, rights-of-way, and other valid rights
12 in existence on the date of the enactment of this
13 Act.

14 (g) WATER RIGHT EXCLUSION.—Nothing in this
15 Act—

16 (1) shall constitute or be construed to con-
17 stitute either an express or implied reservation by
18 the United States of any water or water rights with
19 respect to the Recreation Area; or

20 (2) shall affect any water rights existing on the
21 date of the enactment of this Act.

22 (h) HUNTING AND FISHING.—Nothing in this Act—

23 (1) limits hunting or fishing; or

24 (2) affects the authority, jurisdiction, or respon-
25 sibility of the State to manage, control, or regulate

1 fish and resident wildlife under State law (including
2 regulations), including the regulation of hunting or
3 fishing on public land managed by the Bureau of
4 Land Management.

5 (i) **MOTORIZED VEHICLES.**—Except in cases in which
6 motorized vehicles are needed for administrative purposes
7 or to respond to an emergency, the use of motorized vehi-
8 cles on public land in the Recreation Area shall be per-
9 mitted only on roads, trails, and areas designated by the
10 management plan for the use by motorized vehicles.

11 (j) **GRAZING.**—In the Recreation Area, the grazing
12 of livestock in areas in which grazing is allowed as of the
13 date of the enactment of this Act shall be allowed to con-
14 tinue, consistent with—

15 (1) this Act;

16 (2) the Federal Land Policy and Management
17 Act of 1976 (43 U.S.C. 1701 et seq.); and

18 (3) any regulations promulgated by the Sec-
19 retary, acting through the Director of the Bureau of
20 Land Management.

21 (k) **WITHDRAWAL.**—Subject to valid existing rights,
22 all Federal land within the Recreation Area is withdrawn
23 from—

24 (1) all forms of entry, appropriation, and dis-
25 posal under the public land laws;

1 (2) location, entry, and patenting under the
2 mining laws; and

3 (3) operation of the mineral leasing, mineral
4 materials, and geothermal leasing laws.

5 (l) FEES.—Amounts received by the Secretary under
6 the fee structure required by subsection (d)(4) shall be—

7 (1) deposited in a special account in the Treas-
8 ury of the United States; and

9 (2) made available until expended to the Sec-
10 retary for use in the Recreation Area.

11 (m) RISK STANDARD.—The National Oil and Haz-
12 ardous Substances Pollution Contingency Plan (section
13 300 of title 40, Code of Federal Regulations), published
14 pursuant to section 105 of the Comprehensive Environ-
15 mental Response, Compensation, and Liability Act of
16 1980 (42 U.S.C. 9605), shall not apply to the Secretary's
17 management of asbestos exposure risks faced by the public
18 when recreating within the Clear Creek Recreation Area
19 described in section 3(b).

20 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

21 In accordance with the Wilderness Act (16 U.S.C.
22 1131 et seq.), the approximately 21,000 acres of Federal
23 lands located in Fresno County and San Benito County,
24 California, and generally depicted on a map entitled “Pro-
25 posed Joaquin Rocks Wilderness” and dated January 14,

1 2015, is designated as wilderness and as a component of
2 the National Wilderness Preservation System and shall be
3 known as the “Joaquin Rocks Wilderness”.

4 **SEC. 6. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS**
5 **STUDY AREA.**

6 (a) FINDING.—Congress finds that, for the purposes
7 of section 603 of the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1782), the San Benito
9 Mountain wilderness study area has been adequately stud-
10 ied for wilderness designation.

11 (b) RELEASE.—The San Benito Mountain wilderness
12 study area is no longer subject to section 603(c) of the
13 Federal Land Policy and Management Act of 1976 (43
14 U.S.C. 1782(c)).

15 **SEC. 7. CLARIFICATION REGARDING FUNDING.**

16 No additional funds are authorized to carry out the
17 requirements of this Act. Such requirements shall be car-
18 ried out using amounts otherwise authorized.

Passed the House of Representatives July 5, 2016.

Attest:

KAREN L. HAAS,

Clerk.

114TH CONGRESS
1ST SESSION

H. R. 3668

To codify in law and expand certain off-highway vehicle recreation areas in the State of California, to designate as wilderness certain public lands in the State of California administered by the Bureau of Land Management, to expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest, to ensure the conservation and necessary management of wildlife in these wilderness areas, to establish the Mojave Trails Special Management Area in the State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2015

Mr. COOK (for himself and Mr. KNIGHT) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To codify in law and expand certain off-highway vehicle recreation areas in the State of California, to designate as wilderness certain public lands in the State of California administered by the Bureau of Land Management, to expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest, to ensure the conservation and necessary management of wildlife in these wilderness areas, to establish the Mojave Trails Special Management Area in the State, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “California Minerals, Off-Road Recreation, and Conserva-
 6 tion Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OFF-HIGHWAY VEHICLE RECREATION AREAS

Sec. 101. Purpose.

Sec. 102. Statutory designation and expansion of off-highway vehicle recreation
 areas, San Bernardino County, California.

Sec. 103. Administration.

Sec. 104. Southern California Edison Company energy transport facilities and
 rights-of-way.

Sec. 105. Pacific Gas and Electric Company utility facilities and rights-of-way.

TITLE II—WILDERNESS

Sec. 201. Purpose.

Sec. 202. Designation or expansion of wilderness areas in the State of Cali-
 fornia.

Sec. 203. Management.

Sec. 204. Release of wilderness study areas.

Sec. 205. Treatment of cherry-stemmed roads.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

Sec. 301. Death Valley National Park boundary revision.

Sec. 302. Joshua Tree National Park boundary revision, visitor center, and sale
 of Federal land.

Sec. 303. Mojave National Preserve boundary revision and related provisions.

**TITLE IV—DESIGNATION OF WILD, SCENIC, AND RECREATIONAL
 RIVERS**

Sec. 401. Designation of wild, scenic, and recreational rivers.

TITLE V—BLACK LAVA BUTTE AND FLAT TOP MESA

Sec. 501. Black Lava Butte and Flat Top Mesa Area of Critical Environmental
 Concern.

TITLE VI—MOJAVE TRAILS SPECIAL MANAGEMENT AREA

Sec. 601. Definitions.

- Sec. 602. Mojave trails special management area.
- Sec. 603. Management.
- Sec. 604. Acquisition of land.
- Sec. 605. Renewable energy right-of-way applications.
- Sec. 606. Expedited environmental review process to facilitate route 66 bridge repair and replacement within management area.

TITLE VII—SAND TO SNOW NATIONAL MONUMENT

- Sec. 701. Definitions.
- Sec. 702. Sand to Snow National Monument.
- Sec. 703. Management of Monument.
- Sec. 704. Uses of Monument.
- Sec. 705. Acquisition of land.
- Sec. 706. Advisory committee.
- Sec. 707. Wireless communications facilities.

TITLE VIII—LAND CONVEYANCES, WITHDRAWALS, AND RELATED PROVISIONS

- Sec. 801. Release of Federal reversionary land interests.
- Sec. 802. California State School land.
- Sec. 803. Juniper Flats.
- Sec. 804. Land exchange, San Geronio Wilderness, California Desert Conservation Area, Bureau of Land Management, and San Bernardino National Forest, California.
- Sec. 805. Conveyance for Apple Valley Off-Highway Vehicle Recreation Area.
- Sec. 806. Conveyance to City of Twentynine Palms, California.
- Sec. 807. Conversion of valid, existing rights.

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Tribal uses and interests.
- Sec. 902. Military activities.
- Sec. 903. Deed restrictions on donated land within the California Desert Conservation Area.
- Sec. 904. Wildlife management.
- Sec. 905. Limitation on extension or establishment of national monuments.
- Sec. 906. Categorical exclusion for eastern Inyo County broadband corridor.

1 **TITLE I—OFF-HIGHWAY VEHICLE** 2 **RECREATION AREAS**

3 **SEC. 101. PURPOSE.**

4 The purpose of this title is to designate in law certain
5 off-highway vehicle recreation areas currently designated
6 administratively by the Secretary of the Interior as Na-
7 tional Off-Highway Vehicle Recreation Areas in order to
8 preserve and enhance the recreational opportunities within

1 the California Desert Conservation Area, including oppor-
2 tunities for off-highway vehicle recreation, while con-
3 serving the wildlife and other natural resources of the
4 Conservation Area.

5 **SEC. 102. STATUTORY DESIGNATION AND EXPANSION OF**
6 **OFF-HIGHWAY VEHICLE RECREATION AREAS,**
7 **SAN BERNARDINO COUNTY, CALIFORNIA.**

8 (a) STATUTORY DESIGNATION.—In accordance with
9 the Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1701 et seq.) and resource management plans
11 developed under this title, and subject to valid rights, the
12 following public lands within the California Desert Con-
13 servation Area in San Bernardino County, California, are
14 designated as National Off-Highway Vehicle Recreation
15 Areas:

16 (1) DUMONT DUNES OFF-HIGHWAY VEHICLE
17 RECREATION AREA.—Certain public lands com-
18 prising approximately 7,630 acres, as generally de-
19 picted on the map entitled “Dumont Dunes Pro-
20 posed National OHV Recreation Area” and dated
21 June 29, 2015, which corresponds to the boundaries
22 of an administratively designated off-highway vehicle
23 recreation area and shall be known as the Dumont
24 Dunes National Off-Highway Vehicle Recreation
25 Area.

1 (2) EL MIRAGE OFF-HIGHWAY VEHICLE RECRE-
2 ATION AREA.—Certain public lands comprising ap-
3 proximately 15,610 acres, as generally depicted on
4 the map entitled “El Mirage Proposed National
5 OHV Recreation Area” and dated January 8, 2015,
6 which expands the boundaries of an administratively
7 designated off-highway vehicle recreation area and
8 shall be known as the El Mirage National Off-High-
9 way Vehicle Recreation Area.

10 (3) RASOR OFF-HIGHWAY VEHICLE RECRE-
11 ATION AREA.—Certain public lands comprising ap-
12 proximately 23,910 acres, as generally depicted on
13 the map entitled “Rasor Proposed National OHV
14 Recreation Area” and dated February 15, 2015,
15 which corresponds to the boundaries of an adminis-
16 tratively designated off-highway vehicle recreation
17 area and shall be known as the Rasor National Off-
18 Highway Vehicle Recreation Area.

19 (4) SPANGLER HILLS OFF-HIGHWAY VEHICLE
20 RECREATION AREA.—Certain public lands com-
21 prising approximately 93,610 acres, as generally de-
22 picted on the map entitled “Spangler Hills Proposed
23 National OHV Recreation Area” and dated May 27,
24 2015, which expands the boundaries of an adminis-
25 tratively designated off-highway vehicle recreation

1 area and shall be known as the Spangler Hills Na-
2 tional Off-Highway Vehicle Recreation Area.

3 (5) STODDARD VALLEY OFF-HIGHWAY VEHICLE
4 RECREATION AREA.—Certain public lands com-
5 prising approximately 40,110 acres, as generally de-
6 picted on the map entitled “Stoddard Valley Pro-
7 posed National OHV Recreation Area” and dated
8 February 18, 2015, which corresponds to the bound-
9 aries of an administratively designated off-highway
10 vehicle recreation area and shall be known as the
11 Stoddard Valley National Off-Highway Vehicle
12 Recreation Area.

13 (b) REDESIGNATION AND EXPANSION OF JOHNSON
14 VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

15 (1) IN GENERAL.—The Johnson Valley Off-
16 Highway Vehicle Recreation Area designated by sec-
17 tion 2945 of the Military Construction Authorization
18 Act for Fiscal Year 2014 (division B of Public Law
19 113–66; 127 Stat. 1038)—

20 (A) is hereby redesignated as the Johnson
21 Valley National Off-Highway Vehicle Recreation
22 Area; and

23 (B) is expanded to include all of the land
24 depicted as the “Proposed National Off High-
25 way Vehicle Recreation Area Additions” on the

map entitled “Johnson Valley Proposed National OHV Recreation Area” and dated April 23, 2015.

(2) CONFORMING AMENDMENTS.—

(A) DESIGNATION.—Section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038) is amended—

(i) in the section heading, by inserting “**NATIONAL**” after “**VALLEY**”;

(ii) in subsection (a), by inserting “National” after “Valley” in the matter preceding paragraph (1); and

(iii) in subsections (b), (c), and (d), by inserting “National” after “Valley” each place it appears.

(B) CROSS REFERENCE.—Section 2942(c)(3) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1037) is amended by inserting “National” after “Valley”.

(3) RELATION TO AUTHORIZED NAVY USE.—

The redesignation of the Johnson Valley Off-Highway Vehicle Recreation Area as the Johnson Valley National Off-Highway Vehicle Recreation Area does

1 not alter or interfere with the rights and obligations
2 of the Navy regarding the use of portions of the
3 Recreation Area as provided in subtitle C of title
4 XXIX of the Military Construction Authorization
5 Act for Fiscal Year 2014 (division B of Public Law
6 113–66; 127 Stat. 1034).

7 (4) REFERENCES.—Any reference in any law,
8 regulation, document, record, map, or other paper of
9 the United States to the Johnson Valley Off-High-
10 way Vehicle Recreation Area is deemed to be a ref-
11 erence to the Johnson Valley National Off-Highway
12 Vehicle Recreation Area.

13 (c) MAPS AND DESCRIPTIONS.—

14 (1) PREPARATION AND SUBMISSION.—As soon
15 as practicable after the date of enactment of this
16 Act, the Secretary of the Interior shall file a map
17 and legal description of the National Off-Highway
18 Vehicle Recreation Areas designated by subsection
19 (a) and (b) with—

20 (A) the Committee on Natural Resources
21 of the House of Representatives; and

22 (B) the Committee on Energy and Natural
23 Resources of the Senate.

24 (2) LEGAL EFFECT.—The map and legal de-
25 scriptions of the National Off-Highway Vehicle

1 Recreation Areas filed under paragraph (1) shall
2 have the same force and effect as if included in this
3 Act, except that the Secretary may correct errors in
4 the map and legal descriptions.

5 (3) PUBLIC AVAILABILITY.—Each map and
6 legal description filed under paragraph (1) shall be
7 filed and made available for public inspection in the
8 appropriate offices of the Bureau of Land Manage-
9 ment.

10 **SEC. 103. ADMINISTRATION.**

11 (a) APPLICABLE LAWS.—The Secretary of the Inte-
12 rior shall administer the National Off-Highway Vehicle
13 Recreation Areas designated by subsections (a) and (b)
14 of section 102 in accordance with—

15 (1) this title;

16 (2) the Federal Land Policy and Management
17 Act of 1976 (43 U.S.C. 1701 et seq.); and

18 (3) any other applicable laws (including regula-
19 tions).

20 (b) MANAGEMENT PLAN.—

21 (1) IN GENERAL.—As soon as practicable, but
22 not later than three years after the date of enact-
23 ment of this Act, the Secretary of the Interior
24 shall—

1 (A) amend existing resource management
2 plans applicable to the land designated as a Na-
3 tional Off-Highway Vehicle Recreation Areas
4 under subsection (a) or (b) of section 102; or

5 (B) develop new management plans for
6 such National Off-Highway Vehicle Recreation
7 Areas.

8 (2) REQUIREMENTS.—All new or amended
9 plans under paragraph (1) shall be designed to pre-
10 serve and enhance safe off-highway vehicle and other
11 recreational opportunities within the applicable Na-
12 tional Off-Highway Vehicle Recreation Area con-
13 sistent with—

14 (A) the purpose of this title; and

15 (B) any applicable laws (including regula-
16 tions).

17 (3) INTERIM PLANS.—Pending completion of a
18 new management plan under subsection (b)(2), the
19 existing resource management plans shall govern the
20 use of the applicable National Off-Highway Vehicle
21 Recreation Area.

22 (c) USE OF THE LAND.—

23 (1) IN GENERAL.—The Secretary of the Inte-
24 rior shall continue to authorize, maintain, and en-
25 hance the recreational uses of the National Off-

1 Highway Vehicle Recreation Areas designated by
2 subsections (a) and (b) of section 102, including off-
3 highway recreation, hiking, camping, hunting, moun-
4 tain biking, sightseeing, rockhounding, and horse-
5 back riding, as long as the recreational use is con-
6 sistent with this title and any other applicable law.

7 (2) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY
8 RECREATION.—To the extent consistent with appli-
9 cable Federal law (including regulations) and this
10 title, any authorized recreation activities and use
11 designations in effect on the date of enactment of
12 this Act and applicable to the National Off-Highway
13 Vehicle Recreation Areas designated by subsections
14 (a) and (b) of section 102 shall continue, including
15 casual off-highway vehicular use, racing, competitive
16 events, rock crawling, training, and other forms of
17 off-highway recreation.

18 (3) WILDLIFE GUZZLERS.—Wildlife guzzlers
19 shall be allowed in the National Off-Highway Vehicle
20 Recreation Areas designated by subsections (a) and
21 (b) of section 102 in accordance with—

22 (A) applicable Bureau of Land Manage-
23 ment guidelines; and

24 (B) the laws of the State of California.

25 (4) PROHIBITED USES.—

(A) IN GENERAL.—Commercial development (including development of energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 if the Secretary determines that the development is incompatible with the purpose of this title.

(B) EXCEPTION FOR TEMPORARY PERMITTED VENDORS.—Subparagraph (A) does not prohibit a commercial vendor from establishing, pursuant to a temporary permit, a site in the National Off-Highway Vehicle Recreation Areas for the purpose of providing accessories and other support for off-highway vehicles and vehicles used for accessing the area.

SEC. 104. SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) terminates—

(A) any right-of-way issued, granted, or permitted to Southern California Edison Com-

pany (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land included in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102; or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way;

(2) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California Public Utilities Commission and the Bureau of Land Management; or

(3) prohibits the upgrading or replacement of any Southern California Edison Company—

(A) energy transport facility, including such an energy transport facility known on the date of enactment of this Act as—

(i) Gale-PS 512, Inyokern-McGen-Searles, Downs-Inyokern-McGen-Searles, Lugo-Mohave, Eldorado-Lugo, Lugo-Pis-

gah No. 1, and Lugo-Pisgah No. 2 transmission lines or rights-of-way; or

(ii) Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way; or

(B) energy transport facility in a right-of-way issued, granted, or permitted by the Secretary of the Interior adjacent to the energy transport facility referred to in subparagraph (A).

(b) PLANS FOR ACCESS.—The Secretary of the Interior, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Company by the date that is one year after the later of—

(1) the date of enactment of this Act; and

(2) the date of issuance of a new energy transport facility right-of-way within the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102.

**SEC. 105. PACIFIC GAS AND ELECTRIC COMPANY UTILITY
FACILITIES AND RIGHTS-OF-WAY.**

(a) EFFECT OF TITLE.—Nothing in this title—

(1) terminates—

1 (A) any right-of-way issued, granted, or
2 permitted to Pacific Gas and Electric Company
3 (including any predecessor or successor in inter-
4 est or assign) as of the date of the enactment
5 of this Act that is located on land included in
6 the Spangler Hills National Off-Highway Vehi-
7 cle Recreation Area; or

8 (B) the customary operation, maintenance,
9 upgrade, repair, relocation within such a right-
10 of-way, replacement, or other authorized activi-
11 ties (including the use of any mechanized vehi-
12 cle, helicopter, and other aerial device) within
13 such a right-of-way; or

14 (2) prohibits the upgrading or replacement of
15 any—

16 (A) utility facilities of the Pacific Gas and
17 Electric Company, including those utility facili-
18 ties known on the date of enactment of this Act
19 as—

20 (i) Gas Transmission Line 311 or
21 rights-of-way; or

22 (ii) Gas Transmission Line 372 or
23 rights-of-way; or

24 (B) utility facilities of the Pacific Gas and
25 Electric Company in rights-of-way issued,

1 granted, or permitted by the Secretary of the
2 Interior adjacent to a utility facility referred to
3 in subparagraph (A).

4 (b) PLANS FOR ACCESS.—Not later than one year
5 after the date of enactment of this Act or the issuance
6 of a new utility facility right-of-way within the Spangler
7 Hills National Off-Highway Vehicle Recreation Area,
8 whichever is later, the Secretary of the Interior, in con-
9 sultation with the Pacific Gas and Electric Company, shall
10 publish plans for regular and emergency access by the Pa-
11 cific Gas and Electric Company to the rights-of-way of the
12 Pacific Gas and Electric Company.

13 **TITLE II—WILDERNESS**

14 **SEC. 201. PURPOSE.**

15 The purpose of this title is—

16 (1) to designate or expand in law certain wil-
17 derness areas in the California Desert Conservation
18 Area; and

19 (2) to ensure the conservation and necessary
20 management of wildlife and other natural resources
21 in the Conservation Area.

22 **SEC. 202. DESIGNATION OR EXPANSION OF WILDERNESS** 23 **AREAS IN THE STATE OF CALIFORNIA.**

24 (a) DESIGNATION OR EXPANSION OF WILDERNESS
25 IN CALIFORNIA DESERT CONSERVATION AREA.—In ac-

1 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
2 and sections 601 and 603 of the Federal Land Policy and
3 Management Act of 1976 (43 U.S.C. 1781, 1782), the fol-
4 lowing public lands in the State of California are des-
5 ignated as wilderness and either included as part of an
6 existing wilderness area or made a new component of the
7 National Wilderness Preservation System:

8 (1) AVAWATZ MOUNTAINS WILDERNESS.—Cer-
9 tain land in the California Desert Conservation Area
10 administered by the Bureau of Land Management
11 comprising approximately 91,800 acres, as generally
12 depicted on the map entitled “Avawatz Mountains
13 Wilderness Proposed Wilderness” and dated June
14 30, 2015, to be known as the Avawatz Mountains
15 Wilderness.

16 (2) GOLDEN VALLEY WILDERNESS.—Certain
17 land in the California Desert Conservation Area ad-
18 ministered by the Bureau of Land Management
19 comprising approximately 1,260 acres, as generally
20 depicted on the map entitled “Golden Valley Pro-
21 posed Wilderness Additions” and dated March 17,
22 2015, which shall be incorporated in, and shall be
23 considered to be a part of, the Golden Valley Wilder-
24 ness designated by section 102(23) of the California

1 Desert Protection Act of 1994 (Public Law 104–
2 433; 16 U.S.C. 1132 note).

3 (3) KINGSTON RANGE WILDERNESS.—Certain
4 land in the California Desert Conservation Area ad-
5 ministered by the Bureau of Land Management
6 comprising approximately 53,320 acres, as generally
7 depicted on the map entitled “Kingston Range Pro-
8 posed Wilderness Additions” and dated February
9 18, 2015, which shall be incorporated in, and shall
10 be considered to be a part of, the Kingston Range
11 Wilderness designated by section 102(32) of the
12 California Desert Protection Act of 1994 (Public
13 Law 104–433; 16 U.S.C. 1132 note).

14 (4) SODA MOUNTAINS WILDERNESS.—Certain
15 land in the California Desert Conservation Area ad-
16 ministered by the Bureau of Land Management
17 comprising approximately 79,980 acres, as generally
18 depicted on the map entitled “Soda Mountains Pro-
19 posed Wilderness” and dated February 18, 2015, to
20 be known as the Soda Mountains Wilderness.

21 (5) MALPAIS MESA WILDERNESS.—Certain land
22 in the California Desert Conservation Area adminis-
23 tered by the Bureau of Land Management com-
24 prising approximately 14,810 acres, as generally de-
25 picted on the map entitled “Malpais Mesa Proposed

1 Wilderness Additions” and dated September 11,
2 2015, which shall be incorporated in, and shall be
3 considered to be a part of, the Malpais Mesa Wilder-
4 ness designated by section 102(35) of the California
5 Desert Protection Act of 1994 (Public Law 104–
6 433; 16 U.S.C. 1132 note).

7 (6) GREAT FALLS BASIN WILDERNESS.—

8 (A) DESIGNATION.—Certain land in the
9 California Desert Conservation Area adminis-
10 tered by the Bureau of Land Management com-
11 prising approximately 7,920 acres, as generally
12 depicted on the map entitled “Great Falls
13 Basin Proposed Wilderness” and dated August
14 5, 2015, to be known as the Great Falls Basin
15 Wilderness.

16 (B) LIMITATION.—Designation of the wil-
17 derness under subparagraph (A) shall not es-
18 tablish a Class I Airshed under the Clean Air
19 Act (42 U.S.C. 7401 et seq.).

20 (b) EXPANSION OF DEATH VALLEY NATIONAL PARK
21 WILDERNESS.—In accordance with the Wilderness Act
22 (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the
23 Federal Land Policy and Management Act of 1976 (43
24 U.S.C. 1781, 1782), the following land in the State of
25 California is designated as wilderness and included as part

1 of an existing wilderness area of the National Wilderness
2 Preservation System:

3 (1) DEATH VALLEY NATIONAL PARK WILDER-
4 NESS ADDITIONS-NORTH EUREKA VALLEY.—Certain
5 land in the California Desert Conservation Area ad-
6 ministered by the Director of the National Park
7 Service, comprising approximately 11,496 acres, as
8 generally depicted on the map entitled “Death Valley
9 National Park Proposed Wilderness Area-North Eu-
10 reka Valley”, numbered 143/100,082D, and dated
11 August 2015, which shall be considered to be a part
12 of the Death Valley National Park Wilderness.

13 (2) DEATH VALLEY NATIONAL PARK WILDER-
14 NESS ADDITIONS-IBEX.—Certain land in the Cali-
15 fornia Desert Conservation Area administered by the
16 Director of the National Park Service comprising
17 approximately 23,650 acres, as generally depicted on
18 the map entitled “Death Valley National Park Pro-
19 posed Wilderness Area-Ibex”, numbered 143/
20 100,081C, and dated October 7, 2014, which shall
21 be considered to be a part of the Death Valley Na-
22 tional Park Wilderness.

23 (3) DEATH VALLEY NATIONAL PARK WILDER-
24 NESS ADDITIONS-PANAMINT VALLEY.—Certain land
25 in the California Desert Conservation Area adminis-

1 tered by the Director of the National Park Service,
2 comprising approximately 4,807 acres, as generally
3 depicted on the map entitled “Death Valley National
4 Park Proposed Wilderness Area-Panamint Valley”,
5 numbered 143/100,083C, and dated October 7,
6 2014, which shall be considered to be a part of the
7 Death Valley National Park Wilderness.

8 (4) DEATH VALLEY NATIONAL PARK WILDER-
9 NESS ADDITIONS-WARM SPRINGS.—Certain land in
10 the California Desert Conservation Area adminis-
11 tered by the Director of the National Park Service,
12 comprising approximately 10,485 acres, as generally
13 depicted on the map entitled “Death Valley National
14 Park Proposed Wilderness Area-Warm Spring Can-
15 yon/Galena Canyon”. Numbered 143/100,084D, and
16 dated August 2015, which shall be considered to be
17 a part of the Death Valley National Park Wilder-
18 ness.

19 (5) DEATH VALLEY NATIONAL PARK WILDER-
20 NESS ADDITIONS-AXE HEAD.—Certain land in the
21 California Desert Conservation Area administered by
22 the Director of the National Park Service, com-
23 prising approximately 8,638 acres, as generally de-
24 picted on the map entitled “Death Valley National
25 Park Proposed Wilderness Area-Axe Head”, num-

bered 143/100,085C, and dated October 7, 2014,
which shall be considered to be a part of the Death
Valley National Park Wilderness.

(6) DEATH VALLEY NATIONAL PARK WILDER-
NESS ADDITIONS-BOWLING ALLEY.—Certain land in
the California Desert Conservation Area adminis-
tered by the Director of the National Park Service,
comprising approximately 28,923 acres, as generally
depicted on the map entitled “Death Valley National
Park Proposed Park Expansion and Wilderness”,
numbered 143/128,606, and dated May 14, 2015,
which shall be considered to be a part of the Death
Valley National Park Wilderness.

(c) EXPANSION OF SAN GORGONIO WILDERNESS.—

(1) DESIGNATION.—In accordance with the
Wilderness Act (16 U.S.C. 1131 et seq.), certain
land in San Bernardino National Forest in the State
of California, comprising approximately 5,570 acres,
as generally depicted on the map entitled “Proposed
Sand to Snow National Monument” and dated Au-
gust 4, 2015, is designated as wilderness and in-
cluded as part of the San Gorgonio Wilderness of
the National Wilderness Preservation System.

(2) FIRE MANAGEMENT AND RELATED ACTIVI-
TIES.—

1 (A) IN GENERAL.—The Secretary of Agri-
2 culture may carry out such activities in the wil-
3 derness designated by paragraph (1) as are nec-
4 essary for the control of fire, insects, and dis-
5 ease, in accordance with section 4(d)(1) of the
6 Wilderness Act (16 U.S.C. 1133(d)(1)) and
7 House Report 98–40 of the 98th Congress.

8 (B) FUNDING PRIORITIES.—Nothing in
9 this subsection limits the provision of any fund-
10 ing for fire or fuel management in the wilder-
11 ness designated by paragraph (1).

12 (C) REVISION AND DEVELOPMENT OF
13 LOCAL FIRE MANAGEMENT PLANS.—As soon as
14 practicable after the date of the enactment of
15 this Act, the Secretary of Agriculture shall
16 amend the local fire management plans that
17 apply to the wilderness designated by para-
18 graph (1).

19 (D) ADMINISTRATION.—In accordance
20 with subparagraph (A) and other applicable
21 Federal law, to ensure a timely and efficient re-
22 sponse to fire emergencies in the wilderness
23 designated by paragraph (1), the Secretary of
24 Agriculture shall—

1 (i) not later than one year after the
2 date of the enactment of this Act, establish
3 agency approval procedures (including ap-
4 propriate delegations of authority to the
5 Forest Supervisor) for responding to fire
6 emergencies in the wilderness designated
7 by paragraph (1); and

8 (ii) enter into agreements with appro-
9 priate State or local firefighting agencies
10 relating to the wilderness.

11 (d) MAPS; LEGAL DESCRIPTIONS.—

12 (1) IN GENERAL.—As soon as practicable after
13 the date of enactment of this Act, the Secretary of
14 the Interior (and, with respect to the wilderness des-
15 ignated by subsection (c), the Secretary of Agri-
16 culture) (in this title referred to as the “Secretary
17 concerned”) shall file a map and legal description of
18 each wilderness area and wilderness addition des-
19 ignated by this section with—

20 (A) the Committee on Natural Resources
21 of the House of Representatives; and

22 (B) the Committee on Energy and Natural
23 Resources of the Senate.

24 (2) FORCE OF LAW.—A map and legal descrip-
25 tion filed under paragraph (1) shall have the same

1 force and effect as if included in this Act, except
2 that the Secretary concerned may correct errors in
3 the maps and legal descriptions.

4 (3) PUBLIC AVAILABILITY.—Each map and
5 legal description filed under paragraph (1) shall be
6 filed and made available for public inspection in the
7 appropriate office of the Secretary concerned.

8 **SEC. 203. MANAGEMENT.**

9 (a) ADMINISTRATION.—Subject to valid existing
10 rights, the land designated as wilderness or as a wilder-
11 ness addition by section 202 shall be administered by the
12 Secretary concerned in accordance with this title and the
13 Wilderness Act (16 U.S.C. 1131 et seq.), except that any
14 reference in that Act to the effective date shall be consid-
15 ered to be a reference to the date of the enactment of
16 this Act.

17 (b) COOPERATIVE MANAGEMENT AGREEMENT WITH
18 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—
19 Not later than 180 days after the date of the enactment
20 of this Act, the Secretary of the Interior shall enter into
21 a cooperative management agreement with the California
22 Department of Fish and Wildlife for the purposes of man-
23 aging wilderness areas in the California Desert Conserva-
24 tion Area to ensure the conservation and necessary man-
25 agement of wildlife and other natural resources in the

1 Conservation Area. Such cooperative agreement shall in-
2 clude and ensure necessary wildlife water development and
3 maintenance as considered necessary by the California De-
4 partment of Fish and Wildlife.

5 (c) CERTAIN WATER DEVELOPMENT PROJECTS AU-
6 THORIZED.—Nothing in this title or the Wilderness Act
7 (16 U.S.C. 1131 et seq.) shall have the effect of prohib-
8 iting the placement or maintenance of water development
9 projects on the land designated as wilderness or as a wil-
10 derness addition by section 202 for the purpose of the con-
11 servation or management of wildlife.

12 (d) AGENCY APPROVAL PROCEDURES.—Not later
13 than one year after the date of the enactment of this Act,
14 the Secretary concerned shall establish agency approval
15 procedures for the maintenance of water development
16 projects and other wildlife management activities on the
17 land designated as wilderness or as a wilderness addition
18 by section 202.

19 (e) NO EFFECT ON ADJACENT LAND.—

20 (1) NO BUFFER ZONES OR REGULATION.—
21 Nothing in this title—

22 (A) creates any protective perimeter or
23 buffer zone around land designated as wilder-
24 ness or as a wilderness addition by section 202;
25 or

1 (B) requires additional regulation of activi-
2 ties on land outside the boundary of the land
3 designated as wilderness or as a wilderness ad-
4 dition by such section.

5 (2) ACTIVITIES OUTSIDE WILDERNESS
6 AREAS.—The fact that an activity (including mili-
7 tary activities) or use on land outside the boundary
8 of the land designated as wilderness or as a wilder-
9 ness addition by section 202 can be seen, heard, or
10 detected within the wilderness area shall not pre-
11 clude or restrict the activity or use outside the
12 boundary of the wilderness area.

13 (f) NO EFFECT ON CERTAIN PERMITTING PRO-
14 CEEDINGS.—

15 (1) IN GENERAL.—In any permitting pro-
16 ceeding (including a review under the National Envi-
17 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
18 seq.)) conducted with respect to a project described
19 in paragraph (2) that is formally initiated through
20 a notice in the Federal Register before December
21 31, 2013, the consideration of any visual, noise, or
22 other impacts of the project on land designated as
23 wilderness or as a wilderness addition by section 202
24 shall be conducted based on the status of the land
25 before designation as wilderness.

1 (2) DESCRIPTION OF PROJECTS.—A project re-
2 ferred to in paragraph (1) is a renewable energy
3 project or associated energy transport facility
4 project—

5 (A) for which the Bureau of Land Man-
6 agement has received a right-of-way use appli-
7 cation on or before the date of enactment of
8 this Act; and

9 (B) that is located outside the boundary of
10 land designated as wilderness or as a wilderness
11 addition by section 202.

12 (g) NO EFFECT ON MILITARY OPERATIONS.—Noth-
13 ing in this Act alters any authority of the Secretary of
14 Defense to conduct any military operations at desert in-
15 stallations, facilities, and ranges of the State of California
16 authorized under any other provision of law.

17 (h) NO EFFECT ON ENERGY TRANSPORT FACILI-
18 TIES.—In the case of land designated as wilderness or as
19 a wilderness addition by section 202, nothing in this title
20 affects any land, interest in land, or customary operation,
21 maintenance, repair, or replacement activity carried out
22 on, over, or under land or within a right-of-way, including
23 access to such right-of-way, granted to, owned by, or con-
24 trolled by Southern California Edison Company, Pacific
25 Gas and Electric Company, or Southern California Gas

1 Company pursuant to law or legal right so long as the
2 activity is conducted in a manner that minimizes the im-
3 pact on wilderness resources.

4 **SEC. 204. RELEASE OF WILDERNESS STUDY AREAS.**

5 (a) FINDING AND DIRECTION.—Congress finds and
6 directs that the Bureau of Land Management land within
7 any portion of a wilderness study area described in sub-
8 section (b) that is not designated as a wilderness area or
9 wilderness addition by section 202 or any other Act en-
10 acted before the date of enactment of this Act—

11 (1) has been adequately studied for wilderness
12 character and wilderness designation pursuant to
13 sections 201 and 603 of the Federal Land Policy
14 and Management Act of 1976 (43 U.S.C. 1711 and
15 1782); and

16 (2) is no longer subject to any requirement per-
17 taining to the management of wilderness, wilderness
18 character, wilderness study areas, or areas of envi-
19 ronmental concern.

20 (b) DESCRIPTION OF STUDY AREAS.—The study
21 areas referred to in subsection (a) are the following:

22 (1) Cady Mountains Wilderness Study Area.

23 (2) Kingston Range Wilderness Study Area.

24 (3) Avawatz Mountain Wilderness Study Area.

25 (4) Soda Mountains Wilderness Study Area.

1 (5) Great Falls Basin Wilderness Study Area.

2 (6) White Mountains Wilderness Study Area.

3 (7) Crater Mountain Wilderness Study Area.

4 (8) Symmes Creek Wilderness Study Area.

5 (9) Independence Creek Wilderness Study Area.

6 (10) Southern Inyo Wilderness Study Area.

7 (11) Cerro Gordo Wilderness Study Area.

8 (12) Death Valley 17 Wilderness Study Area.

9 (c) RELEASE AND SUBSEQUENT MANAGEMENT.—

10 Any public land described in subsection (a) that is not des-
11 ignated as wilderness by this title—

12 (1) is no longer subject to section 603(c) of the
13 Federal Land Policy and Management Act of 1976
14 (43 U.S.C. 1782(c));

15 (2) shall be managed in accordance with—

16 (A) land management plans adopted under
17 section 202 of the Federal Land Policy and
18 Management Act of 1976 (43 U.S.C. 1712);
19 and

20 (B) cooperative conservation agreements in
21 existence on the date of enactment of this Act;
22 and

23 (3) shall be subject to the Endangered Species
24 Act of 1973 (16 U.S.C. 1531 et seq.).

1 **SEC. 205. TREATMENT OF CHERRY-STEMMED ROADS.**

2 (a) DEFINITION OF CHERRY-STEMMED ROAD.—In
3 this section, the term “cherry-stemmed road” means a
4 road or trail that is excluded from a wilderness area or
5 wilderness addition designated by section 202 by a non-
6 wilderness corridor having designated wilderness on both
7 sides, as generally depicted on the maps described in such
8 section.

9 (b) PROHIBITION ON CLOSURE OR TRAVEL RESTRIC-
10 TIONS ON CHERRY-STEMMED ROADS.—The Secretary
11 concerned shall not—

12 (1) close any cherry-stemmed road that is open
13 to the public as of the date of the enactment of this
14 Act;

15 (2) prohibit motorized access on a cherry-
16 stemmed road that is open to the public for motor-
17 ized access as of the date of the enactment of this
18 Act; or

19 (3) prohibit mechanized access on a cherry-
20 stemmed road that is open to the public for mecha-
21 nized access as of the date of the enactment of this
22 Act.

23 (c) RESOURCE PROTECTION OR PUBLIC SAFETY EX-
24 CEPTIONS.—Subsection (b) shall not apply to a cherry-
25 stemmed road if the Secretary concerned determines that
26 a closure or traffic restriction of the cherry-stemmed road

1 is necessary for purposes of significant resource protection
2 or public safety.

3 **TITLE III—NATIONAL PARK**
4 **SYSTEM ADDITIONS**

5 **SEC. 301. DEATH VALLEY NATIONAL PARK BOUNDARY RE-**
6 **VISION.**

7 (a) IN GENERAL.—The boundary of Death Valley
8 National Park is adjusted to include—

9 (1) the approximately 28,923 acres of Bureau
10 of Land Management land in San Bernardino Coun-
11 ty, California, abutting the southern end of the
12 Death Valley National Park that lies between Death
13 Valley National Park to the north and Ft. Irwin
14 Military Reservation to the south and which runs
15 approximately 34 miles from west to east, as de-
16 picted on the map entitled “Death Valley National
17 Park Proposed Avawatz Mountains Wilderness with
18 Proposed Park Expansion”, numbered 143/128,605,
19 and dated May 14, 2015; and

20 (2) the approximately 6,369 acres of Bureau of
21 Land Management land in Inyo County, California,
22 located in the northeast area of Death Valley Na-
23 tional Park that is within, and surrounded by, land
24 under the jurisdiction of the Director of the Na-
25 tional Park Service, as depicted on the map entitled

1 “Death Valley National Park Proposed Boundary
2 Addition-Crater”, numbered 143/100,079C, and
3 dated October 7, 2014.

4 (b) AVAILABILITY OF MAP.—The maps described in
5 paragraphs (1) and (2) of subsection (a) shall be on file
6 and available for public inspection in the appropriate of-
7 fices of the National Park Service.

8 (c) ADMINISTRATION.—

9 (1) IN GENERAL.—The Secretary of the Inte-
10 rior (referred to in this title as the “Secretary”)
11 shall administer any land added to Death Valley Na-
12 tional Park under subsection (a)—

13 (A) as part of Death Valley National Park;
14 and

15 (B) in accordance with applicable laws (in-
16 cluding regulations).

17 (2) MEMORANDUM OF UNDERSTANDING WITH
18 INYO COUNTY.—Not later than 180 days after the
19 date of enactment of this Act, the Secretary shall
20 enter into a memorandum of understanding with
21 Inyo County, California, to permit operationally fea-
22 sible, ongoing access and use (including, but not lim-
23 ited to, material storage as well as excavation) to
24 gravel pits in existence as of that date along Saline
25 Valley Road within Death Valley National Park for

1 road maintenance and repairs in accordance with ap-
2 plicable laws (including regulations).

3 (d) SOUTHERN CALIFORNIA EDISON COMPANY EN-
4 ERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

5 (1) IN GENERAL.—Nothing in this section ter-
6 minates—

7 (A) any right-of-way issued, granted, or
8 permitted to the Southern California Edison
9 Company (including any predecessor or suc-
10 cessor in interest or assign) as of the date of
11 the enactment of this Act that is located on
12 land described in paragraphs (1) and (2) of
13 subsection (a); or

14 (B) the customary operation, maintenance,
15 upgrade, repair, relocation within such a right-
16 of-way, replacement, or other authorized energy
17 transport facility activities in such a right-of-
18 way, including, at a minimum, the use of
19 mechanized vehicles, helicopters, or other aerial
20 devices.

21 (2) UPGRADES AND REPLACEMENTS.—Nothing
22 in this section prohibits the upgrading or replace-
23 ment of—

24 (A) Southern California Edison Company
25 energy transport facilities; or

1 (B) an energy transport facility in rights-
2 of-way issued, granted, or permitted by the Sec-
3 retary adjacent to Southern California Edison's
4 energy transport facilities within Death Valley
5 National Park.

6 (3) PUBLICATION OF PLANS.—Not later than
7 one year after the date of enactment of this Act or
8 the date of the issuance of a new energy transport
9 facility right-of-way within Death Valley National
10 Park, whichever is earlier, the Secretary, in con-
11 sultation with the Southern California Edison Com-
12 pany, shall publish plans for regular and emergency
13 access by the Southern California Edison Company
14 to the rights-of-way of the Southern California Edi-
15 son Company within Death Valley National Park.

16 **SEC. 302. JOSHUA TREE NATIONAL PARK BOUNDARY REVI-**
17 **SION, VISITOR CENTER, AND SALE OF FED-**
18 **ERAL LAND.**

19 Title IV of the California Desert Protection Act of
20 1994 (Public Law 103–433) is amended by adding at the
21 end the following new sections:

22 **“SEC. 408. JOSHUA TREE NATIONAL PARK BOUNDARY REVI-**
23 **SION.**

24 “(a) IN GENERAL.—The boundary of the Joshua
25 Tree National Park is adjusted to include the 2,879 acres

1 of land managed by Director of the Bureau of Land Man-
2 agement that are contiguous at several different places to
3 the northern boundaries of Joshua Tree National Park in
4 the northwest section of the Park, as depicted on the map
5 entitled ‘Joshua Tree National Park Proposed Boundary
6 Addition’, numbered 156/100,077, and dated August
7 2009.

8 “(b) ADDITIONAL LANDS TO BE ACQUIRED.—The
9 Secretary may acquire the 1,639 acres of land from the
10 Mojave Desert Land Trust that are contiguous at several
11 different places to the northern boundaries of Joshua Tree
12 National Park in the northwest section of the Park, as
13 depicted on the map entitled ‘Mojave Desert Land Trust
14 National Park Service Additions’, numbered 156/126,376,
15 and dated September 2014. After such lands are acquired
16 by the Secretary, the boundary of the Joshua Tree Na-
17 tional Park shall be adjusted to include those lands.

18 “(c) AVAILABILITY OF MAPS.—The map described in
19 subsection (a) and the map depicting the 25 acres de-
20 scribed in subsection (d)(2) shall be on file and available
21 for public inspection in the appropriate offices of the Na-
22 tional Park Service.

23 “(d) ADMINISTRATION.—

24 “(1) IN GENERAL.—The Secretary shall admin-
25 ister any land added to the Joshua Tree National

1 Park under subsection (a) and the additional land
2 described in paragraph (2)—

3 “(A) as part of Joshua Tree National
4 Park; and

5 “(B) in accordance with applicable laws
6 (including regulations).

7 “(2) DESCRIPTION OF ADDITIONAL LAND.—The
8 additional land referred to in paragraph (1) is the
9 25 acres of land—

10 “(A) depicted on the map entitled ‘Joshua
11 Tree National Park Boundary Adjustment
12 Map’, numbered 156/80,049, and dated April 1,
13 2003;

14 “(B) added to Joshua Tree National Park
15 by the notice of the Department of the Interior
16 of August 28, 2003 (68 Fed. Reg. 51799); and

17 “(C) more particularly described as lots
18 26, 27, 28, 33, and 34 in sec. 34, T. 1 N., R.
19 8 E., San Bernardino Meridian.

20 “(e) SOUTHERN CALIFORNIA EDISON COMPANY EN-
21 ERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

22 “(1) IN GENERAL.—Nothing in this section ter-
23 minates—

24 “(A) any right-of-way issued, granted, or
25 permitted to Southern California Edison Com-

pany (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land described in subsections (a) and (b); or

“(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way.

“(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

“(A) Southern California Edison Company energy transport facilities, including the energy transport facilities referred to as the Jellystone, Burnt Mountain, Whitehorn, Allegra, and Utah distribution circuits rights-of-way; or

“(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison’s energy transport facilities within Joshua Tree National Park.

“(3) PUBLICATION OF PLANS.—Not later than the date that is one year after the date of enactment

1 of this section or the issuance of a new energy trans-
2 port facility right-of-way within the Joshua Tree Na-
3 tional Park, whichever is earlier, the Secretary, in
4 consultation with the Southern California Edison
5 Company, shall publish plans for regular and emer-
6 gency access by the Southern California Edison
7 Company to the rights-of-way of the Southern Cali-
8 fornia Edison Company within Joshua Tree Na-
9 tional Park.

10 **“SEC. 409. VISITOR CENTER.**

11 “(a) IN GENERAL.—Subject to subsection (d), the
12 Secretary may acquire not more than 5 acres of land and
13 interests in land, and improvements on the land and inter-
14 ests, outside the boundaries of Joshua Tree National
15 Park, in the unincorporated village of Joshua Tree, for
16 the purpose of operating a visitor center. The land and
17 facilities so acquired may include the property owned (as
18 of the date of enactment of this section) by the Joshua
19 Tree National Park Association and commonly referred to
20 as the ‘Joshua Tree National Park Visitor Center’.

21 “(b) BOUNDARY.—Upon acquisition of the land au-
22 thorized for acquisition by subsection (a), the Secretary
23 shall modify the boundary of Joshua Tree National Park
24 to include the land acquired under this section as a non-
25 contiguous parcel.

1 “(c) ADMINISTRATION.—Land and facilities acquired
2 under this section shall be administered by the Secretary
3 as part of Joshua Tree National Park.

4 “(d) AUTHORIZED ACQUISITION METHODS.—Land
5 and facilities may be acquired under this section only with
6 the consent of the owner, by donation, purchase with do-
7 nated or appropriated funds, or exchange.”.

8 **SEC. 303. MOJAVE NATIONAL PRESERVE BOUNDARY REVI-**
9 **SION AND RELATED PROVISIONS.**

10 (a) IMMEDIATE ADDITIONS.—The boundary of the
11 Mojave National Preserve is adjusted to include the fol-
12 lowing:

13 (1) The approximately 14,750 acres of Bureau
14 of Land Management land that is surrounded by the
15 Mojave National Preserve to the northwest, west,
16 southwest, south, and southeast, and by the Nevada
17 State line on the northeast boundary, as depicted as
18 the “Mojave National Preserve Additions” on the
19 map entitled “Mojave National Preserve Proposed
20 Additions”, numbered 170/129,826, and dated Sep-
21 tember 2015.

22 (2) The 25 acres of Bureau of Land Manage-
23 ment land in Baker, California, as depicted on the
24 map entitled “Mojave National Preserve Proposed

1 Boundary Addition”, numbered 170/100,199, and
2 dated August 2009.

3 (b) FUTURE MOJAVE NATIONAL PRESERVE ADDI-
4 TIONS.—The boundary of the Mojave National Preserve
5 shall be adjusted to include the approximately 13,250
6 acres of Bureau of Land Management land depicted as
7 “Future Mojave National Preserve Additions” on the map
8 entitled “Mojave National Preserve Proposed Additions”,
9 numbered 170/129,826, and dated September 2015, upon
10 the earlier of the following:

11 (1) The termination of all mining and mining-
12 related activities involving Castle Mountain Mine
13 and the completion of all reclamation in response to
14 such activities, as determined by the Secretary of the
15 Interior.

16 (2) The end of the first period of 20 consecu-
17 tive years occurring after the date of the enactment
18 of this Act during which no legally permissible com-
19 mercial mining activities have occurred pursuant to
20 a plan of development for the Castle Mountain Mine
21 approved by the Bureau of Land Management.

22 (c) AVAILABILITY OF MAPS.—The maps described in
23 subsections (a) and (b) shall be on file and available for
24 public inspection in the appropriate offices of the National
25 Park Service.

1 (d) ADMINISTRATION.—

2 (1) IN GENERAL.—Except as otherwise pro-
3 vided in this section, the Secretary of the Interior
4 shall administer any land added to Mojave National
5 Preserve under this section—

6 (A) as part of the Mojave National Pre-
7 serve; and

8 (B) in accordance with applicable laws (in-
9 cluding regulations).

10 (2) MEMORANDUM OF UNDERSTANDING WITH
11 CALIFORNIA DEPARTMENT OF FISH AND WILD-
12 LIFE.—Not later than 180 days after the date of the
13 enactment of this Act, the Secretary of the Interior
14 shall enter into a memorandum of understanding
15 with the California Department of Fish and Wildlife
16 to permit operationally feasible, ongoing access to
17 the land added to Mojave National Preserve under
18 this section for the placement and maintenance of
19 water development projects as considered necessary
20 for wildlife conservation.

21 (e) PROTECTION OF EXISTING RIGHTS.—

22 (1) EFFECT ON VALID EXISTING RIGHTS.—
23 Nothing in this section shall affect valid existing
24 rights or preclude, or prevent or inhibit mining or
25 mining-related activities (including water develop-

1 ment) authorized under any Bureau of Land Man-
2 agement approved plan of development, throughout
3 all phases of mining including completion of final
4 reclamation, for the lands described in subsections
5 (a)(1) and (b).

6 (2) EFFECT ON PRIVATE PROPERTY RIGHTS.—
7 Nothing in this section shall affect any private prop-
8 erty right (including a water development right)
9 within the boundaries of the Mojave National Pre-
10 serve, as adjusted by this section.

11 (3) EFFECT ON CASTLE MOUNTAIN MINE
12 RIGHTS AND OPERATIONS.—

13 (A) IN GENERAL.—Nothing in this section
14 shall impair existing rights relating to the Cas-
15 tle Mountain Mine, nor shall anything in this
16 title create or impose any additional regulatory
17 or administrative requirements relating to the
18 permitting, development, and operation of all
19 phases of the Castle Mountain Mine.

20 (B) PIPELINE OR WELL.—Nothing in
21 chapter 1007 of title 54, United States Code
22 (formerly known as the Mining in the National
23 Parks Act of 1976), the California Desert Pro-
24 tection Act of 1994 (Public Law 103–433), the
25 implementing regulations of such laws, or any

1 other Federal law or regulation shall constitute
2 a bar to the lawful issuance of any right, enti-
3 tlement, or approval necessary for the location
4 and use of any pipeline or well necessary for
5 Castle Mountain Mining Company to conduct
6 continued mining operations.

7 (f) SOUTHERN CALIFORNIA EDISON COMPANY EN-
8 ERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

9 (1) IN GENERAL.—Nothing in this section ter-
10 minates—

11 (A) any right-of-way issued, granted, or
12 permitted to the Southern California Edison
13 Company (including any predecessor or suc-
14 cessor in interest or assign) as of the date of
15 the enactment of this Act that is located on
16 land described in subsections (a) and (b); or

17 (B) the customary operation, maintenance,
18 upgrade, repair, relocation within such a right-
19 of-way, replacement, or other authorized energy
20 transport facility activities in such a right-of-
21 way, including, at a minimum, the use of
22 mechanized vehicles, helicopters, or other aerial
23 devices.

1 (2) UPGRADES AND REPLACEMENTS.—Nothing
2 in this section prohibits the upgrading or replace-
3 ment of—

4 (A) Southern California Edison Company
5 energy transport facilities; or

6 (B) an energy transport facility in rights-
7 of-way issued, granted, or permitted by the Sec-
8 retary adjacent to Southern California Edison’s
9 energy transport facilities within the Mojave
10 National Preserve.

11 (3) PUBLICATION OF PLANS.—Not later than
12 one year after the date of enactment of this Act or
13 the date of the issuance of a new energy transport
14 facility right-of-way within the Mojave National Pre-
15 serve, whichever is earlier, the Secretary of the Inte-
16 rior, in consultation with the Southern California
17 Edison Company, shall publish plans for regular and
18 emergency access by the Southern California Edison
19 Company to the rights-of-way of the Southern Cali-
20 fornia Edison Company within the Mojave National
21 Preserve.

22 (g) NEW RIGHTS-OF-WAY.—

23 (1) RETAINED BUREAU OF LAND MANAGEMENT
24 AUTHORITY.—Consideration of any right-of-way ap-
25 plication within lands described in subsection (a)(1)

1 for the purpose of providing water resources nec-
2 essary for the operation of the Castle Mountain
3 Mine shall remain within the jurisdiction and au-
4 thority of the Bureau of Land Management,
5 throughout the development of all phases of the Cas-
6 tle Mountain Mine.

7 (2) CONSIDERATION OF APPLICATIONS.—The
8 Director of the Bureau of Land Management shall
9 consider any proposed plan of development, modi-
10 fications to the plan, and associated right-of-way ap-
11 plications for the Castle Mountain Mine in accord-
12 ance with the Federal Land Policy and Management
13 Act of 1976 (43 U.S.C. 1701 et seq.) and any other
14 laws (including regulations) applicable to the land
15 described in subsection (b) prior to the date of en-
16 actment of this Act.

17 (3) EXPIRATION OF AUTHORITY.—The author-
18 ity of the Director of the Bureau of Land Manage-
19 ment described in this subsection shall terminate at
20 the end of the first period of 20 consecutive years
21 occurring after the date of the enactment of this Act
22 during which no legally permissible commercial min-
23 ing activities have occurred pursuant to a plan of de-
24 velopment for the Castle Mountain Mine approved
25 by the Bureau of Land Management.

1 (4) TREATMENT OF NEW RIGHTS-OF-WAY.—

2 Any new right-of-way approved by the Bureau of
3 Land Management under this subsection shall be
4 considered a valid existing right-of-way only if such
5 right-of-way is included in an approved plan of de-
6 velopment for Castle Mountain Mine.

7 (5) RIGHTS-OF-WAY FOR WATER ACCESS.—Fol-
8 lowing any review required under the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.) and other applicable laws and regulations, the
11 National Park Service and all other Federal agencies
12 with jurisdiction, shall consider and approve—

13 (A) the application for and receipt of any
14 rights-of-way, other necessary approvals and en-
15 titlements, or both to access and traverse exist-
16 ing lands within the Mojave National Preserve
17 in order to access water sources located in wa-
18 tersheds outside of the Preserve; and

19 (B) the application and establishment of
20 underground waterways throughout the Pre-
21 serve.

22 (h) FUTURE WATER FACILITIES.—

23 (1) SEARCH FOR ALTERNATIVE WATER
24 SOURCES.—Subject to paragraphs (2) and (3), Cas-
25 tle Mountain Mining Company shall have the right

1 to conduct reconnaissance and drilling within the
2 lands described in subsection (a)(1) to identify po-
3 tential alternative sources of water for development
4 of all phases of the Castle Mountain Mine.

5 (2) RESPONSE TO FINDING WATER SUPPLIES.—

6 If adequate water supplies are identified for the Cas-
7 tle Mountain Mine that are in excess of existing
8 water rights in the Mojave National Preserve, Castle
9 Mountain Mining Company may propose the location
10 of new pipelines, including possible underground
11 pipelines, and well sites, as appropriate, to the Sec-
12 retary of the Interior and all other Federal agencies
13 with jurisdiction. The approval of any new pipeline
14 or well site location proposed by Castle Mountain
15 Mining Company under this paragraph shall be sub-
16 ject to review under the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
18 other applicable laws and regulations.

19 (3) CONCLUSION.—If approval of a new pipe-
20 line or well site location is obtained under paragraph
21 (2), Castle Mountain Mining Company obtains any
22 necessary entitlements from the State of California
23 for use of the water resources, and the combination
24 of new pipelines and well sites will provide Castle
25 Mountain Mining Company with adequate water

1 supplies for development of all phases of the Castle
2 Mountain Mine, Castle Mountain will then relinquish
3 and quitclaim to the United States any and all inter-
4 ests in its pipeline and well site in existence as of
5 the date of the enactment of this Act.

6 **TITLE IV—DESIGNATION OF**
7 **WILD, SCENIC, AND REC-**
8 **REATIONAL RIVERS**

9 **SEC. 401. DESIGNATION OF WILD, SCENIC, AND REC-**
10 **REATIONAL RIVERS.**

11 Section 3(a) of the Wild and Scenic Rivers Act (16
12 U.S.C. 1274(a)) is amended—

13 (1) in paragraph (196), by striking subpara-
14 graph (A) and inserting the following:

15 “(A)(i) The approximately 1.4-mile seg-
16 ment of the Amargosa River in the State of
17 California, from the private property boundary
18 in sec. 19, T. 22 N., R. 7 E., to 100 feet down-
19 stream of Highway 178, to be administered by
20 the Secretary of the Interior as a scenic river
21 as an addition to the wild and scenic river seg-
22 ments of the Amargosa River on publication by
23 the Secretary of a notice in the Federal Reg-
24 ister that sufficient inholdings within the
25 boundaries of the segments have been acquired

1 as scenic easements or in fee title to establish
2 a manageable addition to those segments.

3 “(ii) The approximately 6.1-mile segment
4 of the Amargosa River in the State of Cali-
5 fornia, from 100 feet downstream of the State
6 Highway 178 crossing to 100 feet upstream of
7 the Tecopa Hot Springs Road crossing, to be
8 administered by the Secretary of the Interior as
9 a scenic river.”; and

10 (2) by adding at the end the following:

11 “(213) SURPRISE CANYON CREEK, CALI-
12 FORNIA.—

13 “(A) IN GENERAL.—The following seg-
14 ments of Surprise Canyon Creek in the State of
15 California, to be administered by the Secretary
16 of the Interior:

17 “(i) The approximately 5.3 miles of
18 Surprise Canyon Creek from the con-
19 fluence of Frenchman’s Canyon and Water
20 Canyon to 100 feet upstream of Chris
21 Wicht Camp, as a wild river.

22 “(ii) The approximately 1.8 miles of
23 Surprise Canyon Creek from 100 feet up-
24 stream of Chris Wicht Camp to the south-

1 ern boundary of sec. 14, T. 21 N., R. 44
2 E., as a recreational river.

3 “(B) EFFECT ON HISTORIC MINING STRUC-
4 TURES.—Nothing in this paragraph affects the
5 historic mining structures associated with the
6 former Panamint Mining District.

7 “(C) EFFECT ON SURPRISE CANYON
8 ROAD.—Nothing in this paragraph shall be con-
9 strued—

10 “(i) to restrict continued access to
11 Chris Wicht Camp along Surprise Canyon
12 Road; or

13 “(ii) to prevent Inyo County, Cali-
14 fornia, from maintaining and repairing
15 Surprise Canyon Road, up to the boundary
16 of the wild river 100 feet upstream of
17 Chris Wicht Camp, in accordance with ap-
18 plicable laws and regulations.

19 “(214) DEEP CREEK, CALIFORNIA.—

20 “(A) IN GENERAL.—The following seg-
21 ments of Deep Creek in the State of California,
22 to be administered by the Secretary of Agri-
23 culture:

24 “(i) The approximately 6.5-mile seg-
25 ment from 0.125 mile downstream of the

1 Rainbow Dam site in sec. 33, T. 2 N., R.
2 2 W., to 0.25 miles upstream of the Road
3 3N34 crossing, as a wild river.

4 “(ii) The 0.5-mile segment from 0.25
5 mile upstream of the Road 3N34 crossing
6 to 0.25 mile downstream of the Road
7 3N34 crossing, as a scenic river.

8 “(iii) The 2.5-mile segment from 0.25
9 miles downstream of the Road 3 N. 34
10 crossing to 0.25 miles upstream of the
11 Trail 2W01 crossing, as a wild river.

12 “(iv) The 0.5-mile segment from 0.25
13 miles upstream of the Trail 2W01 crossing
14 to 0.25 mile downstream of the Trail
15 2W01 crossing, as a scenic river.

16 “(v) The 10-mile segment from 0.25
17 miles downstream of the Trail 2W01 cross-
18 ing to the upper limit of the Mojave dam
19 flood zone in sec. 17, T. 3 N., R. 3 W., as
20 a wild river.

21 “(vi) The 11-mile segment of Hol-
22 comb Creek from 100 yards downstream of
23 the Road 3N12 crossing to .25 miles down-
24 stream of Holcomb Crossing, as a rec-
25 reational river.

1 “(vii) The 3.5-mile segment of the
2 Holcomb Creek from 0.25 miles down-
3 stream of Holcomb Crossing to the Deep
4 Creek confluence, as a wild river.

5 “(B) EFFECT ON SKI OPERATIONS.—Noth-
6 ing in this paragraph affects—

7 “(i) the operations of the Snow Valley
8 Ski Resort; or

9 “(ii) the State regulation of water
10 rights and water quality associated with
11 the operation of the Snow Valley Ski Re-
12 sort.

13 “(215) WHITEWATER RIVER, CALIFORNIA.—
14 The following segments of the Whitewater River in
15 the State of California, to be administered by the
16 Secretary of Agriculture and the Secretary of the In-
17 terior, acting jointly:

18 “(A) The 5.8-mile segment of the North
19 Fork Whitewater River from the source of the
20 River near Mt. San Gorgonio to the confluence
21 with the Middle Fork, as a wild river.

22 “(B) The 6.4-mile segment of the Middle
23 Fork Whitewater River from the source of the
24 River to the confluence with the South Fork, as
25 a wild river.

1 “(C) The 1-mile segment of the South
2 Fork Whitewater River from the confluence of
3 the River with the East Fork to the section line
4 between sections 32 and 33, T. 1 S., R. 2 E.,
5 as a wild river.

6 “(D) The 1-mile segment of the South
7 Fork Whitewater River from the section line be-
8 tween sections 32 and 33, T. 1 S., R. 2 E., to
9 the section line between sections 33 and 34, T.
10 1 S., R. 2 E., as a recreational river.

11 “(E) The 4.9-mile segment of the South
12 Fork Whitewater River from the section line be-
13 tween sections 33 and 34, T. 1 S., R. 2 E., to
14 the confluence with the Middle Fork, as a wild
15 river.

16 “(F) The 5.4-mile segment of the main
17 stem of the Whitewater River from the con-
18 fluence of the South and Middle Forks to the
19 San Gorgonio Wilderness boundary, as a wild
20 river.

21 “(G) The 3.6-mile segment of the main
22 stem of the Whitewater River from the San
23 Gorgonio Wilderness boundary to .25 miles up-
24 stream of the southern boundary of section 35,
25 T. 2 S., R. 3 E., as a recreational river.”.

**TITLE V—BLACK LAVA BUTTE
AND FLAT TOP MESA**

**SEC. 501. BLACK LAVA BUTTE AND FLAT TOP MESA AREA
OF CRITICAL ENVIRONMENTAL CONCERN.**

(a) DESIGNATION.—There is established the Black Lava Butte and Flat Top Mesa Area of Critical Environmental Concern (referred to in this section as the “covered area”) within the California Desert Conservation Area under the Bureau of Land Management comprising approximately 6,350 acres as generally depicted on the map entitled “Proposed Black Lava Butte and Flat Top Mesa ACEC” and dated March 2, 2015.

(b) ADMINISTRATION.—The Secretary of the Interior shall administer the covered area to preserve the geological, biological, cultural, and archeological resources within the covered area.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land and interests in Federal land included within the covered area are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the United States mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing and mineral materials.

1 (d) PROHIBITION ON RENEWABLE ENERGY GENERA-
 2 TION FACILITIES.—Development of renewable energy gen-
 3 eration facilities (excluding rights-of-way or facilities for
 4 the transmission of energy and telecommunication facili-
 5 ties and infrastructure) is prohibited within the covered
 6 area.

7 **TITLE VI—MOJAVE TRAILS** 8 **SPECIAL MANAGEMENT AREA**

9 **SEC. 601. DEFINITIONS.**

10 In this title:

11 (1) MANAGEMENT AREA.—The term “Manage-
 12 ment Area” means the Mojave Trails Special Man-
 13 agement Area.

14 (2) MAP.—The term “map” means the map en-
 15 titled “Proposed Mojave Trails Special Management
 16 Area” and dated September 30, 2015.

17 (3) ENERGY TRANSPORT FACILITY.—

18 (A) IN GENERAL.—The term “energy
 19 transport facility” means any facility used for
 20 the operation, maintenance, transmission, dis-
 21 tribution, or transportation of electricity or nat-
 22 ural gas.

23 (B) INCLUSIONS.—The term “energy
 24 transport facility” includes—

- 1 (i) electric and gas transmission and
2 distribution facilities;
3 (ii) telecommunications facilities; and
4 (iii) appurtenant equipment owned or
5 used by a public or municipal utility com-
6 pany or water district.

7 (4) MECHANIZED VEHICLE.—The term “mecha-
8 nized vehicle” means a motorized or mechanized ve-
9 hicle or equipment used by a public or municipal
10 utility company or water district to construct, oper-
11 ate, maintain, repair, or upgrade electricity, natural
12 gas, telecommunications, or water infrastructure.

13 (5) PUBLIC-UTILITY COMPANY.—The term
14 “public-utility company” has the meaning given the
15 term in section 1262 of the Public Utility Holding
16 Company Act of 2005 (42 U.S.C. 16451).

17 (6) PUBLIC LANDS.—The term “public lands”
18 has the meaning given that term in section 103 of
19 the Federal Land Policy and Management Act of
20 1976 (43 U.S.C. 1702).

21 (7) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 **SEC. 602. MOJAVE TRAILS SPECIAL MANAGEMENT AREA.**

24 (a) ESTABLISHMENT.—There is established the Mo-
25 jave Trails Special Management Area in the State of Cali-

1 fornia, to be managed by the Barstow Field Office and
2 the Needles Field Office of the Bureau of Land Manage-
3 ment.

4 (b) PURPOSE.—The purpose of the Management
5 Area is—

6 (1) to preserve and maintain the nationally sig-
7 nificant biological, cultural, recreational, geological,
8 educational, historic, scenic, and scientific values—

9 (A) in the Central and Eastern Mojave
10 Desert; and

11 (B) along historic Route 66;

12 (2) to secure the opportunity for present and
13 future generations to experience and enjoy the mag-
14 nificent vistas, wildlife, land forms, and natural and
15 cultural resources of the Management Area;

16 (3) to provide public recreational use of the
17 Management Area, including motorized vehicle use
18 on designated roads and trails; and

19 (4) to provide access to mineral resources for
20 mining and economic development.

21 (c) BOUNDARIES.—The Management Area shall con-
22 sist of the public lands in San Bernardino County, Cali-
23 fornia, comprising approximately 965,000 acres, as gen-
24 erally depicted on the map.

25 (d) MAP; LEGAL DESCRIPTION.—

1 (1) IN GENERAL.—As soon as practicable, but
2 not later than three years, after the date of enact-
3 ment of this Act, the Secretary shall submit a map
4 and legal description of the Management Area to—

5 (A) the Committee on Natural Resources
6 of the House of Representatives; and

7 (B) the Committee on Energy and Natural
8 Resources of the Senate.

9 (2) EFFECT.—The map and legal description
10 submitted under paragraph (1) shall have the same
11 force and effect as if included in this Act, except
12 that the Secretary may correct any errors in the
13 map and legal description.

14 (3) AVAILABILITY.—Copies of the map sub-
15 mitted under paragraph (1) shall be on file and
16 available for public inspection in—

17 (A) the Office of the Director of the Bu-
18 reau of Land Management; and

19 (B) the appropriate office of the Bureau of
20 Land Management in the State of California.

21 **SEC. 603. MANAGEMENT.**

22 (a) CERTAIN ACTIVITIES AUTHORIZED.—The Sec-
23 retary shall allow hiking, camping, hunting, trapping, fish-
24 ing, and sightseeing and the use of motorized vehicles,

1 mountain bikes, and horses on designated routes in the
2 Management Area in a manner that—

3 (1) is consistent with the purpose of the Man-
4 agement Area;

5 (2) ensures public health and safety; and

6 (3) is consistent with applicable law.

7 (b) OFF-HIGHWAY VEHICLE USE.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided in this subsection and subject to all other ap-
10 plicable laws, the use of off-highway vehicles shall be
11 permitted on routes in the Management Area gen-
12 erally depicted on the map.

13 (2) CLOSURE.—Subject to paragraph (3), the
14 Secretary may temporarily close or permanently re-
15 route a portion of a route described in paragraph (1)
16 or opened pursuant to paragraph (4)—

17 (A) to prevent, or allow for restoration of,
18 resource damage;

19 (B) to protect tribal cultural resources, in-
20 cluding the resources identified in the tribal cul-
21 tural resources management survey conducted
22 under subsection (g);

23 (C) to address public safety concerns; or

24 (D) as otherwise required by law.

1 (3) NO NET LOSS.—Except in the case of the
2 temporary closure of a route due to an emergency,
3 before any routes described in paragraph (1) are
4 closed, the Secretary should open new routes pursu-
5 ant to paragraph (4) to ensure that there is no net
6 loss in the total mileage of open routes in the Man-
7 agement Area available for off-highway vehicle use.

8 (4) DESIGNATION OF ADDITIONAL ROUTES.—
9 During the three-year period beginning on the date
10 of enactment of this Act, the Secretary—

11 (A) shall accept petitions from the public
12 regarding additional routes for off-highway ve-
13 hicles in the Management Area; and

14 (B) may designate additional routes that
15 the Secretary determines—

16 (i) would provide significant or unique
17 recreational opportunities; and

18 (ii) are consistent with the purposes
19 of the Management Area.

20 (c) MEMORANDUM OF UNDERSTANDING WITH CALI-
21 FORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not
22 later than 180 days after the date of the enactment of
23 this Act, the Secretary shall enter into a memorandum
24 of understanding with the California Department of Fish
25 and Wildlife to permit operationally feasible, ongoing ac-

1 cess to the Management Area for the placement and main-
2 tenance of water development projects as considered nec-
3 essary for wildlife conservation.

4 (d) HUNTING, TRAPPING, AND FISHING.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the Secretary shall permit hunting, trap-
7 ping, and fishing within the Management Area in
8 accordance with applicable Federal and State laws
9 (including regulations).

10 (2) TRAPPING.—No amphibians or reptiles may
11 be collected within the Management Area, except
12 for—

13 (A) scientific purposes;

14 (B) the removal of an invasive species; or

15 (C) identification/medical purposes in re-
16 sponse to a snakebite.

17 (3) REGULATIONS.—The Secretary, after con-
18 sultation with the California Department of Fish
19 and Wildlife, may designate zones in which, and es-
20 tablish periods during which, hunting, trapping, and
21 fishing shall not be allowed in the Management Area
22 for reasons of public safety, administration, resource
23 protection, or public use and enjoyment.

24 (e) GRAZING.—

1 (1) IN GENERAL.—Nothing in this title termi-
2 nates any valid existing grazing permit within the
3 Management Area.

4 (2) EFFECT ON BLAIR PERMIT.—Nothing in
5 this title affects the Lazy Daisy grazing permit (per-
6 mittee number 9076) on land included in the Man-
7 agement Area including the transfer of title to the
8 grazing permit to the Secretary or to a private
9 party.

10 (3) PERMIT RETIREMENT.—The Secretary may
11 acquire base property and associated grazing per-
12 mits within the Management Area for purposes of
13 permanently retiring the permit if—

14 (A) the permittee is a willing seller;

15 (B) the permittee and Secretary reach an
16 agreement concerning the terms and conditions
17 of the acquisition; and

18 (C) termination of the allotment would fur-
19 ther the purposes of the Management Area de-
20 scribed in section 602(b).

21 (f) NEW MINING.—

22 (1) OPEN TO MINING.—The Management Area
23 will remain—

24 (A) open to location, entry, and patent
25 under the public mining laws; and

1 (B) subject to the mineral leasing and min-
2 eral materials laws.

3 (2) LIMITATIONS.—New mining will not be per-
4 mitted on—

5 (A) any land within the Management Area
6 donated to the United States for conservation
7 purposes since January 1, 1995; or

8 (B) more than 10 percent of the total acre-
9 age of the Management Area.

10 (g) ACCESS TO STATE AND PRIVATE LAND.—

11 (1) ACCESS.—The Secretary shall provide ade-
12 quate access to each owner of non-Federal land or
13 interests in non-Federal land within the boundary of
14 the Management Area to ensure the reasonable
15 maintenance, use, and enjoyment of the land or in-
16 terest by the owner.

17 (2) SURVEY OF EXISTING MOTORIZED ACCESS
18 ROUTES.—Not later than two years after enactment
19 of this title, the Secretary shall consult with the
20 owners of all non-Federal land within the boundary
21 of the Monument to inventory all existing motorized
22 access routes to private parcels existing as of the
23 date of enactment of this title.

1 (3) PROHIBITION ON CLOSING MOTORIZED AC-
2 CESS ROUTES.—The Secretary shall not close or
3 deny use of any routes inventoried in paragraph (2).

4 (4) PUBLIC SAFETY EXCEPTION.—Subject to
5 paragraph (5), the Secretary may temporarily or
6 permanently reroute a portion of a route inventoried
7 in paragraph (2) to address public safety concerns.

8 (5) NO LET LOSS OF ACCESS.—Except in the
9 case of temporary closure of a route due to an emer-
10 gency, before any route inventoried in paragraph (2)
11 is closed, the Secretary must open a new motorized
12 access route to private parcels impacted by the clo-
13 sure.

14 (h) LIMITATIONS ON COMMERCIAL ENTERPRISES.—

15 (1) IN GENERAL.—Except as provided in para-
16 graphs (2) and (3), or as required for the customary
17 operation, maintenance, upgrade, expansion, or de-
18 velopment of energy transport facilities within cor-
19 ridors or rights-of-way described in subsection (g),
20 no commercial enterprises shall be authorized within
21 the boundary of the Management Area after the
22 date of enactment of this Act.

23 (2) ADDITIONAL EXCEPTIONS AUTHORIZED BY
24 SECRETARY.—The Secretary may authorize excep-
25 tions to paragraph (1) if the Secretary determines

1 that the commercial enterprise would further the
2 purposes described in section 602(b).

3 (3) EXCEPTIONS.—This subsection does not
4 apply to the following:

5 (A) Energy transport facilities that are
6 owned or operated by a utility subject to regula-
7 tion by the Federal Government or a State gov-
8 ernment or a State utility with a service obliga-
9 tion (as those terms may be defined in section
10 217 of the Federal Power Act (16 U.S.C.
11 824q)).

12 (B) Mining.

13 (C) Commercial vehicular touring enter-
14 prises within the Management Area that oper-
15 ate on designated routes.

16 (D) Holders of permits for commercial en-
17 terprises, such as touring, wildlife viewing, or
18 guiding for profit, within the Management
19 Area, regardless of whether the permit is issued
20 before, on, or after the date of the enactment
21 of this Act.

22 (E) Commercial operations that take place
23 on non-Federal land within the boundary of the
24 Management Area.

1 (i) RIGHTS-OF-WAY AND ENERGY TRANSPORT FA-
2 CILITIES.—

3 (1) IN GENERAL.—Subject to paragraph (2),
4 nothing in this title precludes, prevents, or inhibits
5 the following activities within rights-of-way or cor-
6 ridors in existence in the Management Area as of
7 the date of the enactment of this Act:

8 (A) Use of mechanized vehicles.

9 (B) Customary operation.

10 (C) Maintenance.

11 (D) Construction.

12 (E) Incidental uses.

13 (F) Upgrades or expansion.

14 (G) Relocation within the right-of-way.

15 (H) Replacement.

16 (I) Development of energy transport facili-
17 ties.

18 (2) LIMITATION.—The activities described in
19 paragraph (1) shall be conducted in a manner that
20 minimizes the impact of the activities on Manage-
21 ment Area resources.

22 (3) RIGHTS-OF-WAY.—The Secretary shall, to
23 the maximum extent practicable—

24 (A) permit rights-of-way and corridor
25 alignments that best protect the values and re-

sources of the Management Area described in section 602(b); and

(B) ensure that—

(i) existing rights-of-way and utility corridors within the Management Area are fully utilized before authorizing any new or expanded utility right-of-way or corridor; and

(ii) no economically, technically, or legally feasible alternative exists outside the Management Area before authorizing a new or expanded energy transport facility right-of-way or corridor within the Management Area.

(4) EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Nothing in this section terminates or limits any valid right-of-way within the Management Area in existence as of the date of enactment of this Act (including the customary operation, maintenance, repair, relocation within an existing right-of-way, or replacement of energy transport facilities within an existing right-of-way), or other authorized

1 right-of-way, including a right-of-way described
2 in subparagraph (B).

3 (B) INCLUSIONS.—A right-of-way referred
4 to in subparagraph (A) includes, but is not lim-
5 ited to—

6 (i) a right-of-way issued, granted, or
7 permitted to—

8 (I) the Southern California Edi-
9 son Company or any predecessors,
10 successors, or assigns of the Southern
11 California Edison Company, which are
12 referred to as of the date of enact-
13 ment of this Act as Lugo-Mohave, El-
14 dorado-Lugo, Cima-Eldorado-Pisgah 1
15 and 2, and Lugo-Pisgah 1 and 2
16 transmission line rights-of-way, Hec-
17 tor, Lava, Sheephole, and Danby dis-
18 tribution circuit rights-of-way, and
19 any rights-of-way affiliated with the
20 Camino Substation;

21 (II) the Pacific Gas and Electric
22 Company or any predecessors, succes-
23 sors, or assigns of the Pacific Gas and
24 Electric Company, which are referred

1 to as Gas Transmission Lines 300A,
2 300B, 311, and 372 rights-of-way;

3 (III) the Southern California Gas
4 Company or any predecessors, succes-
5 sors, or assigns of the Southern Cali-
6 fornia Gas Company, which are re-
7 ferred to as Gas Transmission Lines
8 235, 3000, and 6916 rights-of-way;
9 and

10 (IV) the Celeron Pipeline Com-
11 pany and the All American Pipeline
12 Company by Right-of-Way Grant No.
13 CA 14013 from the Bureau of Land
14 Management; and

15 (ii) a right-of-way authorization issued
16 on the expiration of an existing right-of-
17 way authorization described in clause (i).

18 (C) PUBLICATION OF PLANS.—Not later
19 than one year after the date of enactment of
20 this Act, the Secretary, in consultation with the
21 Southern California Edison Company, the Pa-
22 cific Gas and Electric Company, the Southern
23 California Gas Company, and the Metropolitan
24 Water District of Southern California, shall
25 publish plans for regular and emergency access

1 by such utilities to the respective rights-of-way
2 of those utilities within the Management Area.

3 (5) UPGRADING AND EXPANSION OF EXISTING
4 RIGHTS-OF-WAY.—Nothing in this subsection pro-
5 hibits the upgrading (including the construction, re-
6 location, or replacement within an existing right-of-
7 way) or expansion of an existing energy transport
8 facility for the purpose of increasing the trans-
9 mission capacity of the energy transport facility or
10 for providing energy storage consistent with require-
11 ments of the California Public Utilities Commission,
12 or the Federal or State agency with regulatory au-
13 thority over those actions, in—

14 (A) existing rights-of-way or corridors
15 within the Management Area; or

16 (B) a right-of-way issued, granted, or per-
17 mitted by the Secretary that is contiguous or
18 adjacent to existing energy transport facility
19 rights-of-way, including existing Southern Cali-
20 fornia Edison Company, Pacific Gas and Elec-
21 tric Company, and Southern California Gas
22 Company energy transport facility rights-of-
23 way.

24 (6) INTERSTATE 40 TRANSPORTATION COR-
25 RIDOR.—For purposes of utility rights-of-way under

1 this subsection, the Secretary shall consider the
2 Interstate 40 transportation corridor to be equiva-
3 lent to a utility right-of-way corridor in existence as
4 of the date of the enactment of this Act.

5 (7) NEW RIGHTS-OF-WAY.—

6 (A) IN GENERAL.—Except as authorized in
7 subparagraph (B), any new right-of-way within
8 the Management Area shall—

9 (i) only be permitted—

10 (I) in an energy corridor that is
11 designated as of the date of enact-
12 ment of this Act; or

13 (II) as an expansion of an energy
14 corridor described in subclause (I);
15 and

16 (ii) require compliance with the Na-
17 tional Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.).

19 (B) APPROVAL.—A new right-of-way, or
20 expansion of an existing energy corridor, au-
21 thorized by subparagraph (A) shall only be ap-
22 proved if the Secretary, in consultation with ap-
23 plicable Federal and State agencies, determines
24 that the new right-of-way or expansion of an
25 existing corridor is consistent with—

- 1 (i) this title;
- 2 (ii) other applicable laws;
- 3 (iii) the purposes of the Management
- 4 Area described in section 602(b); and
- 5 (iv) the management plan for the
- 6 Management Area.

7 (j) OVERFLIGHTS.—Nothing in this title or the man-
8 agement plan restricts or precludes—

9 (1) overflights (including low-level overflights)
10 of military, commercial, and general aviation aircraft
11 that can be seen or heard within the Management
12 Area;

13 (2) the designation or creation of new units of
14 special use airspace;

15 (3) the establishment of military flight training
16 routes over the Management Area; or

17 (4) the use (including takeoff and landing) of
18 helicopters and other aerial devices to construct or
19 maintain energy transport facilities.

20 (k) WITHDRAWAL.—Subject to valid existing rights,
21 all Federal land within the Management Area is with-
22 drawn from—

23 (1) all forms of entry, appropriation, or disposal
24 under the public land laws; and

1 (2) right-of-way, leasing, or disposition under
2 all laws relating to solar, wind, and geothermal en-
3 ergy.

4 (1) PROHIBITION ON RENEWABLE ENERGY GENERA-
5 TION FACILITIES.—Development of renewable energy gen-
6 eration facilities (excluding rights-of-way or facilities for
7 the transmission of energy and telecommunication facili-
8 ties and infrastructure) is prohibited within the Manage-
9 ment Area.

10 (m) NO BUFFERS.—The establishment of the Man-
11 agement Area shall not—

12 (1) create a protective perimeter or buffer zone
13 around the Management Area; or

14 (2) restrict, preclude, limit, or prevent uses or
15 activities outside the Management Area that are per-
16 mitted under other applicable laws, even if the uses
17 or activities are prohibited within the Management
18 Area.

19 (n) NOTICE OF AVAILABLE ROUTES.—The Secretary
20 shall ensure that visitors to the Management Area have
21 access to adequate notice relating to the availability of des-
22 ignated routes in the Management Area through—

23 (1) the placement of appropriate signage along
24 the designated routes;

1 (2) the distribution of maps, safety education
2 materials, and other information that the Secretary
3 determines to be appropriate; and

4 (3) restoration of areas that are not designated
5 as open routes, including vertical mulching.

6 (o) STEWARDSHIP.—In consultation with Indian
7 tribes and other interested persons, the Secretary shall de-
8 velop a program to provide opportunities for monitoring
9 and stewardship of the Management Area to minimize en-
10 vironmental impacts and prevent resource damage from
11 recreational use, including volunteer assistance with—

12 (1) route signage;

13 (2) restoration of closed routes;

14 (3) protection of Management Area resources;

15 and

16 (4) recreation education.

17 (p) PROTECTION OF TRIBAL CULTURAL RE-
18 SOURCES.—Not later than two years after the date of en-
19 actment of this Act, the Secretary, in accordance with
20 chapter 2003 of title 54, United States Code, and any
21 other applicable law, shall—

22 (1) prepare and complete a tribal cultural re-
23 sources survey of the Management Area; and

24 (2) consult with the Fort Mojave Indian Tribe,
25 the Colorado River Indian Tribes, the Chemehuevi

1 Indian Tribe, the San Manuel Band of Serrano Mis-
2 sion Indians, and other Indian tribes with historic or
3 cultural ties to land within, or adjacent to, the Man-
4 agement Area regarding the management of portions
5 of the Management Area containing sacred sites or
6 cultural importance to the Indian tribes on the de-
7 velopment and implementation of the tribal cultural
8 resources survey under paragraph (1).

9 (q) PROTECTION OF PROPERTY RIGHTS.—

10 (1) NO AFFECT ON NON-FEDERAL LAND.—The
11 establishment of the Management Area does not af-
12 fect—

13 (A) any land or interest in land held by the
14 State of California, political subdivision of the
15 State, or special district;

16 (B) any private property right (including a
17 water development right) within or adjacent to
18 the boundaries of the Management Area;

19 (C) any land, interest in land, or cus-
20 tomary operation, maintenance, repair, or re-
21 placement activity carried out on, over, or
22 under land or within an existing right-of-way in
23 the Management Area; or

24 (D) access to valid existing water rights
25 and the operation and maintenance of water

1 conveyance structures associated with the water
2 rights.

3 (2) NO NEW AUTHORITY.—Nothing in this title
4 grants to the Secretary any authority on or over
5 non-Federal land not already provided by law.

6 **SEC. 604. ACQUISITION OF LAND.**

7 (a) IN GENERAL.—The Secretary may acquire for in-
8 clusion in the Management Area any land or interests in
9 land within the boundary of the Management Area owned
10 by the State, units of local government, Indian tribes, non-
11 profit organizations, private individuals, or any other land-
12 owner only by—

13 (1) donation;

14 (2) exchange with a willing party; or

15 (3) purchase from a willing seller.

16 (b) USE OF EASEMENTS.—To the maximum extent
17 practicable and only with the approval of the landowner,
18 the Secretary may use permanent conservation easements
19 to acquire an interest in land in the Management Area
20 rather than acquiring fee simple title to the land.

21 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
22 ESTS IN LAND.—Any land or interest in land within the
23 boundaries of the Management Area that is acquired by
24 the United States after the date of enactment of this Act

1 shall be added to and administered as part of the Manage-
2 ment Area.

3 (d) DONATED AND ACQUIRED LAND.—

4 (1) IN GENERAL.—All land within the boundary
5 of the Management Area donated to the United
6 States or acquired using amounts from the land and
7 water conservation fund established under section
8 200302 of title 54, United States Code, before, on,
9 or after the date of enactment of this Act—

10 (A) shall be managed in accordance with
11 section 603; and

12 (B) shall be managed consistent with the
13 purposes of the Management Area described in
14 section 602(b).

15 (2) EFFECT ON MANAGEMENT AREA.—Land
16 within the boundary of the Management Area that
17 is contiguous to land donated to the United States
18 or acquired through purchase or exchange shall be
19 managed in a manner consistent with conservation
20 purposes, subject to applicable law.

21 **SEC. 605. RENEWABLE ENERGY RIGHT-OF-WAY APPLICA-**
22 **TIONS.**

23 (a) IN GENERAL.—Applicants for rights-of-way for
24 the development of solar energy facilities that have been
25 terminated by the establishment of the Management Area

1 shall be granted the right of first refusal to apply for re-
2 placement sites that—

3 (1) have not previously been encumbered by
4 right-of-way applications; and

5 (2) are located within the Solar Energy Zones
6 designated by the Solar Energy Programmatic Envi-
7 ronmental Impact Statement of the Department of
8 the Interior and the Department of Energy.

9 (b) ELIGIBILITY.—To be eligible for a right of first
10 refusal under subsection (a), an applicant shall have, on
11 or before December 1, 2009—

12 (1) submitted an application for a right-of-way
13 to the Bureau of Land Management;

14 (2) completed a plan of development to develop
15 a solar energy facility on land within the Manage-
16 ment Area;

17 (3) submitted cost recovery funds to the Bu-
18 reau of Land Management to assist with the costs
19 of processing the right-of-way application;

20 (4) successfully submitted an application for an
21 interconnection agreement with an electrical grid op-
22 erator that is registered with the North American
23 Electric Reliability Corporation; and

24 (5)(A) secured a power purchase agreement; or

1 (B) a financially and technically viable solar en-
2 ergy facility project, as determined by the Director
3 of the Bureau of Land Management.

4 (c) EQUIVALENT ENERGY PRODUCTION.—Each
5 right-of-way for a replacement site granted under this sec-
6 tion shall—

7 (1) authorize the same energy production at the
8 replacement site as had been applied for at the site
9 that had been the subject of the terminated applica-
10 tion; and

11 (2) have—

12 (A) appropriate solar insolation and
13 geotechnical attributes; and

14 (B) adequate access to existing trans-
15 mission or feasible new transmission.

16 (d) EXISTING RIGHTS-OF-WAY APPLICATIONS.—
17 Nothing in this section alters, affects, or displaces primary
18 rights-of-way applications within the Solar Energy Study
19 Areas unless the applications are otherwise altered, af-
20 fected, or displaced as a result of the Solar Energy Pro-
21 grammatic Environmental Impact Statement of the De-
22 partment of the Interior and the Department of Energy.

23 (e) DEADLINES.—A right of first refusal granted
24 under this section shall only be exercisable by the date
25 that is 180 days after the date of enactment of this Act.

1 (f) EXPEDITED APPLICATION PROCESSING.—The
2 Secretary shall expedite the review of replacement site ap-
3 plications from eligible applicants, as described in sub-
4 section (b).

5 **SEC. 606. EXPEDITED ENVIRONMENTAL REVIEW PROCESS**
6 **TO FACILITATE ROUTE 66 BRIDGE REPAIR**
7 **AND REPLACEMENT WITHIN MANAGEMENT**
8 **AREA.**

9 (a) PROGRAMMATIC ENVIRONMENTAL REVIEW
10 PROCESS.—Consistent with section 139 of title 23, United
11 States Code, the Secretary of Transportation shall author-
12 ize the use of a single programmatic environmental review
13 process to cover all repair or replacement projects pro-
14 posed for bridges of Route 66, also known as National
15 Trails Highway, located within the Management Area.

16 (b) PRESERVATION OF PARKLANDS, REFUGES, AND
17 HISTORIC SITES.—Section 138 of title 23, United States
18 Code, and section 303 of title 49, United States Code,
19 shall not apply to the bridge repair and replacement
20 projects described in subsection (a).

21 (c) ENDANGERED SPECIES ACT.—The bridge repair
22 and replacement projects described in subsection (a) are
23 exempt from the biological survey and consultation re-
24 quirements of the Endangered Species Act of 1973 (16
25 U.S.C. 1531 et seq.).

(d) NATIONAL HISTORIC PRESERVATION REVIEW.—
 Section 306108 of title 54, United States Code, shall not
 apply to the bridge repair and replacement projects de-
 scribed in subsection (a).

(e) FEDERAL ACTIONS TO ADDRESS ENVIRON-
 MENTAL JUSTICE.—Executive Order No. 12898 (59 Fed.
 Reg. 7629; 42 U.S.C. 4321 note), as amended by Execu-
 tive Order No. 12948 (60 Fed. Reg. 6381), shall not apply
 to the bridge repair and replacement projects described
 in subsection (a).

TITLE VII—SAND TO SNOW

NATIONAL MONUMENT

SEC. 701. DEFINITIONS.

In this title:

(1) ENERGY TRANSPORT FACILITY.—

(A) IN GENERAL.—The term “energy
 transport facility” means any facility used for
 the operation, maintenance, transmission, dis-
 tribution, or transportation of electricity or nat-
 ural gas.

(B) INCLUSIONS.—The term “energy
 transport facility” includes—

(i) electric and gas transmission and
 distribution facilities;

(ii) telecommunications facilities; and

1 (iii) appurtenant equipment owned or
2 used by a public or municipal utility com-
3 pany or water district.

4 (2) MAP.—The term “map” means the map en-
5 titled “Proposed Sand to Snow National Monument”
6 and dated August 4, 2015.

7 (3) MECHANIZED VEHICLE.—The term “mecha-
8 nized vehicle” means a motorized or mechanized ve-
9 hicle or equipment used by a public or municipal
10 utility company or water district to construct, oper-
11 ate, maintain, repair, or upgrade electricity, natural
12 gas, telecommunications, or water infrastructure.

13 (4) MONUMENT.—The term “Monument”
14 means the Sand to Snow National Monument estab-
15 lished by section 702(a).

16 (5) PUBLIC-UTILITY COMPANY.—The term
17 “public-utility company” has the meaning given the
18 term in section 1262 of the Public Utility Holding
19 Company Act of 2005 (42 U.S.C. 16451).

20 (6) SECRETARIES.—The term “Secretaries”
21 means the Secretary of the Interior and the Sec-
22 retary of Agriculture, acting jointly.

23 **SEC. 702. SAND TO SNOW NATIONAL MONUMENT.**

24 (a) ESTABLISHMENT.—There is established in the
25 State of California the Sand to Snow National Monument.

1 (b) PURPOSES.—The purposes of the Monument
2 are—

3 (1) to preserve the nationally significant biologi-
4 cal, cultural, educational, geological, historic, scenic,
5 and recreational values at the convergence of the
6 Mojave and Colorado Desert and the San
7 Bernardino Mountains; and

8 (2) to secure the opportunity for present and
9 future generations to experience and enjoy the mag-
10 nificent vistas, wildlife, land forms, and natural and
11 cultural resources of the Monument.

12 (c) BOUNDARIES.—

13 (1) IN GENERAL.—The Monument shall consist
14 of the Federal land and Federal interests in land
15 within the boundaries depicted on the map.

16 (2) DISTANCE FROM STATE HIGHWAYS.—In ac-
17 cordance with the policy of the Bureau of Land
18 Management, the boundaries of the Monument shall
19 be set back not less than 300 feet from all State
20 highways.

21 (d) MAP; LEGAL DESCRIPTIONS.—

22 (1) LEGAL DESCRIPTION.—As soon as prac-
23 ticable after the date of enactment of this Act, the
24 Secretaries shall submit to the Committee on Nat-
25 ural Resources of the House of Representatives and

1 the Committee on Energy and Natural Resources of
2 the Senate legal descriptions of the Monument,
3 based on the map.

4 (2) CORRECTIONS.—The map and legal descrip-
5 tions of the Monument shall have the same force
6 and effect as if included in this title, except that the
7 Secretaries may correct clerical and typographical
8 errors in the map and legal descriptions.

9 (3) AVAILABILITY OF MAP.—The map shall be
10 on file and available for public inspection in appro-
11 priate offices of the Bureau of Land Management.

12 **SEC. 703. MANAGEMENT OF MONUMENT.**

13 (a) IN GENERAL.—The Secretaries shall—

14 (1) only allow uses of the Monument that—

15 (A) further the purposes described in sec-
16 tion 702(b);

17 (B) are included in the management plan
18 developed under subsection (g); and

19 (C) do not interfere with the energy trans-
20 port facility rights-of-way authorized under sec-
21 tion 704(e); and

22 (2) subject to valid existing rights, manage the
23 Monument to protect the resources of the Monu-
24 ment, in accordance with—

25 (A) this title;

1 (B) the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

3 (C) any other applicable provisions of law.

4 (b) COOPERATION AGREEMENTS.—

5 (1) GENERAL AUTHORITY.—Consistent with the
6 management plan and authorities applicable to the
7 Monument, the Secretaries may enter into coopera-
8 tive agreements (including special use permits with
9 any person (including educational institutions and
10 Indian tribes)), for the purposes of interpreting, re-
11 searching, and providing education on the resources
12 of the Monument.

13 (2) MEMORANDUM OF UNDERSTANDING WITH
14 CALIFORNIA DEPARTMENT OF FISH AND WILD-
15 LIFE.—Not later than 180 days after the date of the
16 enactment of this Act, the Secretaries shall enter
17 into a memorandum of understanding with the Cali-
18 fornia Department of Fish and Wildlife to permit
19 operationally feasible, ongoing access to the Monu-
20 ment for the placement and maintenance of water
21 development projects as considered necessary for
22 wildlife conservation.

23 (c) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED
24 LAND.—Any land or interest in land within the bound-
25 aries of the Monument that is acquired by the Secretaries

1 after the date of enactment of this Act shall be managed
2 by the Secretary concerned in accordance with this title.

3 (d) LIMITATIONS.—

4 (1) PROPERTY RIGHTS.—

5 (A) IN GENERAL.—The establishment of
6 the Monument does not—

7 (i) affect—

8 (I) any land or interest in land
9 held by the State, political subdivision
10 of the State, or special district;

11 (II) any private property right
12 (including a water development right)
13 within the boundaries of the Monu-
14 ment;

15 (III) any land, interest in land,
16 or customary operation, maintenance,
17 repair, or replacement activity carried
18 out on, over, or under land or within
19 a right-of-way granted to, owned by,
20 or controlled by the Metropolitan
21 Water District or the Southern Cali-
22 fornia Edison Company pursuant to
23 law or legal right (including the Act
24 of June 18, 1932 (47 Stat. 324, chap-
25 ter 270)) included in the Monument

1 and conducted in a manner that mini-
2 mizes the impact on the resources of
3 the Monument; or

4 (IV) access to valid existing
5 water rights and the operation and
6 maintenance of water conveyance
7 structures associated with the water
8 rights; or

9 (ii) grant to the Secretaries any au-
10 thority on or over non-Federal land not al-
11 ready provided by law.

12 (B) PLANS.—Not later than one year after
13 the date of enactment of this Act, the Secre-
14 taries, in consultation with the district and
15 company referred to in subparagraph (A)(i)(III)
16 shall publish plans for regular and emergency
17 access to the land and rights-of-way owned or
18 controlled by the company or district.

19 (2) AUTHORITY.—The authority of the Secre-
20 taries under this title extends only to Federal land
21 and Federal interests in land included in the Monu-
22 ment.

23 (e) ADJACENT MANAGEMENT.—

1 (1) IN GENERAL.—Nothing in this title creates
2 any protective perimeter or buffer zone around the
3 Monument.

4 (2) ACTIVITIES OUTSIDE MONUMENT.—The
5 fact that an activity or use on land outside the
6 Monument can be seen or heard within the Monu-
7 ment shall not preclude the activity or use outside
8 the boundary of the Monument.

9 (3) NO ADDITIONAL REGULATION.—Nothing in
10 this title requires additional regulation of activities
11 on land outside the boundary of the Monument.

12 (f) AIR AND WATER QUALITY.—Nothing in this title
13 affects the standards governing air or water quality out-
14 side the boundary of the Monument.

15 (g) MANAGEMENT PLAN.—

16 (1) IN GENERAL.—The Secretaries shall—

17 (A) not later than three years after the
18 date of enactment of this Act, complete a man-
19 agement plan for the conservation and protec-
20 tion of the Monument; and

21 (B) on completion of the management
22 plan—

23 (i) submit the management plan to—

1 (I) the Committee on Natural
2 Resources of the House of Represent-
3 atives; and

4 (II) the Committee on Energy
5 and Natural Resources of the Senate;
6 and

7 (ii) make the management plan avail-
8 able to the public.

9 (2) INCLUSIONS.—The management plan shall
10 include provisions that—

11 (A) provide for the conservation and pro-
12 tection of the Monument;

13 (B) authorize the continued recreational
14 uses of the Monument (including hiking, camp-
15 ing, hunting, mountain biking, sightseeing, off-
16 highway vehicle recreation on designated routes,
17 rockhounding, sport shooting, and horseback
18 riding), if the recreational uses are consistent
19 with this title and any other applicable law;

20 (C) address the designation and mainte-
21 nance of roads, trails, and paths in the Monu-
22 ment and take into consideration—

23 (i) connecting trails within the Monu-
24 ment to trails on other adjacent public
25 land; and

1 (ii) establishing a trailhead at Cabot's
2 Pueblo in the city of Desert Hot Springs,
3 California;

4 (D) address regional fire management
5 planning and coordination between the Director
6 of the Bureau of Land Management, the Chief
7 of the Forest Service, Riverside County, and
8 San Bernardino County;

9 (E) address the establishment of a visitor
10 center to serve the Monument and adjacent
11 public land;

12 (F) provide for the maintenance of and ac-
13 cess to energy transport facilities and rights-of-
14 way within the Monument; and

15 (G) provide for the maintenance of and ac-
16 cess to existing water conveyance systems and
17 rights-of-way within the Monument.

18 (3) PREPARATION AND IMPLEMENTATION.—

19 (A) APPLICABLE LAW.—The Secretaries
20 shall prepare and implement the management
21 plan in accordance with the National Environ-
22 mental Policy Act of 1969 (42 U.S.C. 4321 et
23 seq.) and any other applicable laws.

1 (B) CONSULTATION.—In preparing and
2 implementing the management plan, the Secre-
3 taries shall periodically consult with—

4 (i) the advisory committee established
5 under section 706;

6 (ii) interested private property owners
7 and holders of valid rights located within
8 the boundaries of the Monument; and

9 (iii) representatives of the San Manuel
10 Band of Serrano Mission Indians, the
11 Morongo Band of Mission Indians, and
12 other Indian tribes with historic or cultural
13 ties to land within, or adjacent to, the
14 Monument regarding the management of
15 portions of the Monument that are of cul-
16 tural importance to the Indian tribes.

17 (4) INTERIM MANAGEMENT.—Except as other-
18 wise prohibited by this Act, pending completion of
19 the management plan for the Monument, the Secre-
20 taries shall manage any Federal land and Federal
21 interests in land within the boundary of the Monu-
22 ment—

23 (A) in accordance with section 1.6D of the
24 Bureau of Land Management manual num-
25 bered 6220, dated July 13, 2012, and entitled

1 “National Monuments, National Conservation
2 Areas, and Similar Designations”; and

3 (B) consistent with the purposes of the
4 Monument described in section 702(b).

5 **SEC. 704. USES OF MONUMENT.**

6 (a) USE OF OFF-HIGHWAY MOTORIZED VEHI-
7 CLES.—

8 (1) IN GENERAL.—Except as necessary for ad-
9 ministrative purposes or to respond to an emer-
10 gency, the use of off-highway motorized vehicles in
11 the Monument (including the use of off-highway mo-
12 torized vehicles for commercial touring) shall be per-
13 mitted only on designated routes, subject to all ap-
14 plicable law and as authorized by the management
15 plan.

16 (2) INVENTORY.—Not later than two years
17 after the date of enactment of this Act, the Director
18 of the Bureau of Land Management shall—

19 (A) complete an inventory of all existing
20 routes in the Monument; and

21 (B) designate routes concurrently with the
22 completion of the management plan.

23 (b) HUNTING, TRAPPING, AND FISHING.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the Secretaries shall permit hunting,

1 trapping, and fishing within the Monument in ac-
2 cordance with applicable Federal and State laws (in-
3 cluding regulations) as of the date of enactment of
4 this Act.

5 (2) TRAPPING.—No amphibians or reptiles may
6 be collected within the Monument, except for—

7 (A) scientific purposes;

8 (B) the removal of an invasive species; or

9 (C) identification/medical purposes in re-
10 sponse to a snakebite.

11 (3) REGULATIONS.—The Secretaries, after con-
12 sultation with the California Department of Fish
13 and Wildlife, may designate zones in which, and es-
14 tablish periods during which, hunting, trapping, and
15 fishing shall not be allowed in the Monument for
16 reasons of public safety, administration, resource
17 protection, or public use and enjoyment.

18 (c) ACCESS TO STATE AND PRIVATE LAND.—

19 (1) ACCESS.—The Secretaries shall provide ac-
20 cess to each owner of non-Federal land or interests
21 in non-Federal land within the boundary of the
22 Monument to ensure the reasonable maintenance,
23 use, and enjoyment of the land or interest by the
24 owner.

1 (2) SURVEY OF EXISTING MOTORIZED ACCESS
2 ROUTES.—Not later than two years after enactment
3 of this Act, the Secretaries shall consult with the
4 owners of all non-Federal land within the boundary
5 of the Monument to inventory all existing motorized
6 access routes to private parcels existing as of the
7 date of enactment of this Act.

8 (3) PROHIBITION ON CLOSING MOTORIZED AC-
9 CESS ROUTES.—The Secretaries shall not close, re-
10 strict, or deny use of any routes inventoried in para-
11 graph (2).

12 (4) PUBLIC SAFETY EXCEPTION.—Subject to
13 paragraph (5), the Secretaries may temporarily or
14 permanently reroute a portion of a route inventoried
15 in paragraph (2) to address public safety concerns.

16 (5) NO NET LOSS OF ACCESS.—Except in the
17 case of temporary closure of a route due to an emer-
18 gency, before any route inventoried in paragraph (2)
19 is closed, the Secretaries must open a new motorized
20 access route to private parcels impacted by the clo-
21 sure.

22 (d) LIMITATIONS.—

23 (1) COMMERCIAL ENTERPRISES.—Except as
24 provided in paragraphs (2) and (3), or as required
25 for the customary operation, maintenance, upgrade,

1 expansion, or development of energy transport facili-
2 ties within the rights-of-way described in subsection
3 (e), no commercial enterprises shall be authorized
4 within the boundary of the Monument after the date
5 of enactment of this Act.

6 (2) AUTHORIZED EXCEPTIONS.—The Secre-
7 taries may authorize exceptions to paragraph (1) if
8 the Secretaries determine that the commercial enter-
9 prises would further the purposes described in sec-
10 tion 702(b).

11 (3) APPLICATION.—This subsection does not
12 apply to the following:

13 (A) Energy transport facilities that are
14 owned or operated by a utility subject to regula-
15 tion by the Federal Government or a State gov-
16 ernment or a State utility with a service obliga-
17 tion (as those terms are defined in section 217
18 of the Federal Power Act (16 U.S.C. 824q)).

19 (B) Commercial vehicular touring enter-
20 prises within the Monument that operate on
21 designated routes.

22 (C) Holders of permits for commercial en-
23 terprises, such as touring, wildlife viewing, or
24 guiding for profit, within the Monument, re-
25 gardless of whether the permit is issued before,

1 on, or after the date of the enactment of this
2 Act.

3 (D) Commercial operations that take place
4 on non-Federal land within the boundary of the
5 Monument.

6 (e) ENERGY TRANSPORT FACILITIES AND RIGHTS-
7 OF-WAY.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 nothing in this Act precludes, prevents, or inhibits
10 the use of mechanized vehicles or customary operation,
11 maintenance, upgrade, expansion, relocation
12 within an existing right-of-way, replacement, or development
13 of energy transport facilities within existing
14 rights-of-way located in the Monument.

15 (2) LIMITATION.—The activities described in
16 paragraph (1) shall be conducted in a manner that
17 minimizes the impact of the activities on Monument
18 resources.

19 (3) RIGHTS-OF-WAY.—The Secretaries shall, to
20 the maximum extent practicable—

21 (A) permit rights-of-way that best protect
22 the values and resources of the Monument described
23 in section 702(b); and

24 (B) ensure that—

1 (i) existing rights-of-way within the
2 Monument are fully utilized before author-
3 izing any new or expanded utility right-of-
4 way; and

5 (ii) no economically, technically, or le-
6 gally feasible alternative exists outside the
7 Monument before authorizing a new or ex-
8 panded energy transport facility right-of-
9 way within the Monument.

10 (4) EFFECT ON EXISTING FACILITIES AND
11 RIGHTS-OF-WAY.—

12 (A) IN GENERAL.—Nothing in this section
13 terminates or limits any valid right-of-way with-
14 in the Monument in existence on the date of en-
15 actment of this Act (including the customary
16 operation, maintenance, repair, relocation with-
17 in an existing right-of-way, or replacement of
18 energy transport facilities within an existing
19 right-of-way), or other authorized right-of-way,
20 including a right-of-way described in subpara-
21 graph (B).

22 (B) INCLUSIONS.—A right-of-way referred
23 to in subparagraph (A) includes—

24 (i) a right-of-way issued, granted, or
25 permitted to the Southern California Edi-

1 son Company or any predecessors, succes-
2 sors, or assigns of the Southern California
3 Edison Company, which are referred to as
4 the Devers-Hi Desert-Terawind-Yucca
5 transmission line rights-of-way and
6 Coachella, Skyborne, and Toll distribution
7 circuit rights-of-way; and

8 (ii) a right-of-way authorization issued
9 on the expiration of an existing right-of-
10 way authorization described in clause (i).

11 (C) PUBLICATION OF PLANS.—Not later
12 than one year after the date of enactment of
13 this Act, the Secretaries, in consultation with
14 the Southern California Edison Company, shall
15 publish plans for regular and emergency access
16 by the Southern California Edison Company to
17 the rights-of-way of the Southern California
18 Edison Company within the Monument.

19 (5) UPGRADING AND EXPANSION OF EXISTING
20 RIGHTS-OF-WAY.—Nothing in this subsection pro-
21 hibits the upgrading (including the construction, re-
22 location, or replacement within an existing right-of-
23 way) or expansion of an existing energy transport
24 facility for the purpose of increasing the trans-
25 mission capacity of the energy transport facility or

1 for providing energy storage consistent with the re-
2 quirements of the California Public Utilities Com-
3 mission in—

4 (A) existing rights-of-way within the
5 Monument; or

6 (B) a right-of-way issued, granted, or per-
7 mitted by the Secretaries that is contiguous or
8 adjacent to existing energy transport facility
9 rights-of-way, including existing Southern Cali-
10 fornia Edison Sand to Snow energy transport
11 facility rights-of-way.

12 (6) NEW RIGHTS-OF-WAY AND NEW USES.—

13 (A) IN GENERAL.—Except as authorized in
14 subparagraph (B), any new rights-of-way or
15 new uses within existing rights-of-way shall re-
16 quire compliance with the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et
18 seq.).

19 (B) APPROVAL.—New rights-of-way shall
20 only be approved if the Secretaries, in consulta-
21 tion with applicable Federal and State agencies,
22 determine that the new rights-of-way are con-
23 sistent with—

24 (i) this title;

25 (ii) other applicable laws;

1 (iii) the purposes of the Monument
2 described in section 702(b); and
3 (iv) the management plan for the
4 Monument.

5 (f) OVERFLIGHTS.—Nothing in this title or the man-
6 agement plan restricts or precludes—

7 (1) overflights (including low-level overflights)
8 of military, commercial, and general aviation aircraft
9 that can be seen or heard within the Monument;

10 (2) the designation or creation of new units of
11 special use airspace;

12 (3) the establishment of military flight training
13 routes over the Monument; or

14 (4) the use (including takeoff and landing) of
15 helicopters and other aerial devices to construct or
16 maintain energy transport facilities.

17 (g) WITHDRAWALS.—

18 (1) IN GENERAL.—Subject to this Act and valid
19 existing rights and except as provided in paragraph
20 (2), the Federal land and interests in Federal land
21 included within the Monument are withdrawn
22 from—

23 (A) all forms of entry, appropriation, or
24 disposal under the public land laws;

1 (B) location, entry, and patent under the
2 public land mining laws; and

3 (C) operation of the mineral leasing, geo-
4 thermal leasing, and mineral materials laws.

5 (2) EXCHANGE.—Paragraph (1) does not apply
6 to an exchange that the Secretaries determine would
7 further the protective purposes of the Monument.

8 (h) PROHIBITION ON RENEWABLE ENERGY GENERA-
9 TION FACILITIES.—Development of renewable energy gen-
10 eration facilities (excluding rights-of-way or facilities for
11 the transmission of energy and telecommunication facili-
12 ties and infrastructure) is prohibited within the Monu-
13 ment.

14 (i) ACCESS TO RENEWABLE ENERGY AND ENERGY
15 TRANSPORT FACILITIES.—

16 (1) IN GENERAL.—On a determination by the
17 Secretaries that no reasonable alternative access ex-
18 ists and subject to paragraph (2), the Secretaries
19 may allow new rights-of-way within the Monument
20 to provide reasonable vehicular access to renewable
21 energy project sites and appurtenant energy trans-
22 port facilities outside the boundaries of the Monu-
23 ment.

24 (2) RESTRICTIONS.—To the maximum extent
25 practicable, the rights-of-way shall be designed and

1 sited to be consistent with the purposes of the
2 Monument described in section 702(b).

3 **SEC. 705. ACQUISITION OF LAND.**

4 (a) IN GENERAL.—The Secretaries may acquire for
5 inclusion in the Monument any land or interests in land
6 within the boundary of the Monument owned by the State,
7 units of local government, Indian tribes, nonprofit organi-
8 zations, private individuals, or any other landowner only
9 by—

- 10 (1) donation;
11 (2) exchange with a willing party; or
12 (3) purchase from a willing seller.

13 (b) USE OF EASEMENTS.—To the maximum extent
14 practicable and only with the approval of the landowner,
15 the Secretaries may use permanent conservation ease-
16 ments to acquire an interest in land in the Monument
17 rather than acquiring fee simple title to the land.

18 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
19 ESTS IN LAND.—Any land or interest in land within the
20 boundaries of the Monument that is acquired by the
21 United States after the date of enactment of this Act shall
22 be added to and administered as part of the Monument.

23 (d) DONATED AND ACQUIRED LAND.—

24 (1) IN GENERAL.—All land within the boundary
25 of the Monument donated to the United States or

1 acquired using amounts from the land and water
2 conservation fund established under section 200302
3 of title 54, United States Code, before, on, or after
4 the date of enactment of this Act—

5 (A) is withdrawn from mineral entry; and

6 (B) shall be managed in accordance with
7 sections 703 and 704 consistent with the pur-
8 poses of the Monument described in section
9 702(b).

10 (2) EFFECT ON MONUMENT.—Land within the
11 boundary of the Monument that is contiguous to
12 land donated to the United States or acquired
13 through purchase or exchange shall be managed in
14 a manner consistent with conservation purposes,
15 subject to applicable law.

16 **SEC. 706. ADVISORY COMMITTEE.**

17 (a) IN GENERAL.—The Secretaries shall establish an
18 advisory committee for the Monument, the purpose of
19 which is to advise the Secretaries with respect to the prep-
20 aration and implementation of the management plan re-
21 quired by section 703(g).

22 (b) MEMBERSHIP.—To the maximum extent prac-
23 ticable, the advisory committee shall include the following
24 members, to be appointed by the Secretaries:

1 (1) A representative with expertise in natural
2 science and research selected from a regional institu-
3 tion of higher education or research.

4 (2) A representative of the Department of De-
5 fense.

6 (3) A representative of the California Natural
7 Resources Agency.

8 (4) A representative of each of San Bernardino
9 and Riverside Counties, California.

10 (5) A representative of each of the cities of
11 Banning, Desert Hot Springs and Yucca Valley,
12 California.

13 (6) A representative of the San Manuel Band of
14 Serrano Mission Indians.

15 (7) A representative of the Morongo Band of
16 Mission Indians.

17 (8) A representative of the Friends of Big
18 Morongo Preserve.

19 (9) A representative of The Wildlands Conser-
20 vancy.

21 (10) A representative of the Coachella Valley
22 Mountains Conservancy.

23 (11) A representative of the San Gorgonio Wil-
24 derness Association.

1 (12) A representative of the Morongo Valley
2 Community Services District.

3 (13) A representative of organizations relating
4 to each of the following recreational activities:

5 (A) Off-highway vehicles.

6 (B) Hunting.

7 (C) Rockhounding.

8 (14) A representative of the Southern Cali-
9 fornia Edison Company.

10 (15) A representative of the Metropolitan Water
11 District.

12 (16) A representative of Banning Heights Mu-
13 tual Water Company.

14 (17) A representative of the Society for the
15 Conservation of Bighorn Sheep.

16 (18) A representative of the Bighorn Sheep
17 Preservation Group.

18 (c) TERMS.—

19 (1) IN GENERAL.—In appointing members
20 under subsection (b), the Secretaries shall appoint 1
21 primary member and 1 alternate member who meets
22 the qualifications described in each of those para-
23 graphs.

24 (2) VACANCY.—

1 (A) PRIMARY MEMBER.—A vacancy on the
2 advisory committee with respect to a primary
3 member shall be filled by the applicable alter-
4 nate member.

5 (B) ALTERNATE MEMBER.—The Secre-
6 taries shall appoint a new alternate member in
7 the event of a vacancy with respect to an alter-
8 nate member of the advisory committee.

9 (3) TERMINATION.—

10 (A) IN GENERAL.—The term of all mem-
11 bers of the advisory committee shall terminate
12 on the termination of the advisory committee
13 under subsection (g).

14 (B) NEW ADVISORY COMMITTEE.—The
15 Secretaries may establish a new advisory com-
16 mittee on the termination of the advisory com-
17 mittee under subsection (g) to provide ongoing
18 recommendations on the management of the
19 Monument.

20 (d) QUORUM.—A quorum of the advisory committee
21 shall consist of a majority of the primary members.

22 (e) CHAIRPERSON AND PROCEDURES.—

23 (1) IN GENERAL.—The advisory committee
24 shall select a chairperson and vice chairperson from

1 among the primary members of the advisory com-
2 mittee.

3 (2) DUTIES.—The chairperson and vice chair-
4 person selected under paragraph (1) shall establish
5 any rules and procedures for the advisory committee
6 that the chairperson and vice chairperson determine
7 to be necessary or desirable.

8 (f) SERVICE WITHOUT COMPENSATION.—Members
9 of the advisory committee shall serve without pay.

10 (g) TERMINATION.—The advisory committee shall
11 cease to exist on—

12 (1) the date on which the management plan is
13 officially adopted by the Secretaries; or

14 (2) such later date as the Secretaries may
15 specify.

16 **SEC. 707. WIRELESS COMMUNICATIONS FACILITIES.**

17 Nothing in this title shall be construed to affect, re-
18 strict, or prevent the installation of wireless communica-
19 tions facilities in the Monument within the area depicted
20 as “Morongo Gorge” on the map.

1 **TITLE VIII—LAND CONVEY-**
2 **ANCES, WITHDRAWALS, AND**
3 **RELATED PROVISIONS**

4 **SEC. 801. RELEASE OF FEDERAL REVERSIONARY LAND IN-**
5 **TERESTS.**

6 (a) DEFINITIONS.—In this section:

7 (1) 1932 ACT.—The term “1932 Act” means
8 the Act of June 18, 1932 (47 Stat. 324, chapter
9 270).

10 (2) DISTRICT.—The term “District” means the
11 Metropolitan Water District of Southern California.

12 (b) RELEASE.—Subject to valid existing claims per-
13 fected prior to the effective date of the 1932 Act and the
14 reservation of minerals set forth in the 1932 Act, the Sec-
15 retary of the Interior shall release, convey, or otherwise
16 quitclaim to the District, in a form recordable in local
17 county records, and subject to the approval of the District,
18 after consultation and without monetary consideration, all
19 right, title, and remaining interest of the United States
20 in and to the land that was conveyed to the District pursu-
21 ant to the 1932 Act or any other law authorizing convey-
22 ance subject to restrictions or reversionary interests re-
23 tained by the United States, on request by the District.

1 (c) TERMS AND CONDITIONS.—A conveyance author-
2 ized by subsection (b) shall be subject to the following
3 terms and conditions:

4 (1) The District shall cover, or reimburse the
5 Secretary of the Interior for, the costs incurred by
6 the Secretary to make the conveyance, including title
7 searches, surveys, deed preparation, attorneys' fees,
8 and similar expenses.

9 (2) By accepting the conveyances, the District
10 agrees to indemnify and hold harmless the United
11 States with regard to any boundary dispute relating
12 to any parcel conveyed under this section.

13 **SEC. 802. CALIFORNIA STATE SCHOOL LAND.**

14 Section 707 of the California Desert Protection Act
15 of 1994 (16 U.S.C. 410aaa–77) is amended—

16 (1) in subsection (a)—

17 (A) in the first sentence—

18 (i) by striking “Upon request of the
19 California State Lands Commission (here-
20 inafter in this section referred to as the
21 ‘Commission’), the Secretary shall enter
22 into negotiations for an agreement” and
23 inserting the following:

24 “(1) IN GENERAL.—The Secretary shall nego-
25 tiate in good faith to reach an agreement with the

1 California State Lands Commission (referred to in
2 this section as the ‘Commission’); and

3 (ii) by inserting “, national monu-
4 ments,” after “more of the wilderness
5 areas”; and

6 (B) in the second sentence, by striking
7 “The Secretary shall negotiate in good faith to”
8 and inserting the following:

9 “(2) AGREEMENT.—To the maximum extent
10 practicable, not later than 10 years after the date of
11 enactment of this title, the Secretary shall”;

12 (2) in subsection (b)(1), by inserting “, national
13 monuments,” after “wilderness areas”; and

14 (3) in subsection (c), by adding at the end the
15 following:

16 “(5) SPECIAL DEPOSIT FUND ACCOUNT.—

17 “(A) IN GENERAL.—Assembled land ex-
18 changes may be used to carry out this section
19 through the sale of surplus Federal property
20 and subsequent acquisitions of State school
21 land.

22 “(B) RECEIPTS.—Past and future receipts
23 from the sale of property described in sub-
24 section (a), less any costs incurred related to

1 the sale, shall be deposited in a Special Deposit
2 Fund Account established in the Treasury.

3 “(C) USE.—Funds accumulated in the
4 Special Deposit Fund Account may be used by
5 the Secretary, without an appropriation, to ac-
6 quire State school lands or interest in the land
7 consistent with this section.”.

8 **SEC. 803. JUNIPER FLATS.**

9 Development of renewable energy generation facilities
10 (excluding rights-of-way or facilities for the transmission
11 of energy and telecommunication facilities and infrastruc-
12 ture) is prohibited on the approximately 28,000 acres of
13 Federal land generally depicted as “BLM Land With-
14 drawn from Energy Development and Power Generation”
15 on the map entitled “Juniper Flats” and dated September
16 21, 2015.

17 **SEC. 804. LAND EXCHANGE, SAN GORGONIO WILDERNESS,**
18 **CALIFORNIA DESERT CONSERVATION AREA,**
19 **BUREAU OF LAND MANAGEMENT, AND SAN**
20 **BERNARDINO NATIONAL FOREST, CALI-**
21 **FORNIA.**

22 (a) FOREST SERVICE EXCHANGE AUTHORIZED.—
23 The Secretary of Agriculture may convey to Stephen
24 Mascaro (in this section referred to as the “recipient”),
25 all right, title, and interest of the United States in and

1 to a parcel of National Forest System land within San
2 Bernardino National Forest in the State of California,
3 consisting of approximately 638 acres, as depicted on the
4 map titled “Proposed Sand to Snow National Monument
5 Forest Service Land Exchange” and dated June 10, 2015,
6 in exchange for a parcel of private land consisting of ap-
7 proximately 632 acres, as also depicted on such map.

8 (b) BUREAU OF LAND MANAGEMENT EXCHANGE
9 AUTHORIZED.—The Secretary of the Interior may convey
10 to the recipient all right, title, and interest of the United
11 States in and to a parcel of public land within the San
12 Geronimo Wilderness of the California Desert Conserva-
13 tion Area in the State of California, consisting of approxi-
14 mately 645 acres, as depicted on the map titled “Proposed
15 Sand to Snow National Monument Bureau of Land Man-
16 agement Land Exchange” and dated June 23, 2015, in
17 exchange for a parcel of private land consisting of approxi-
18 mately 953 acres, as also depicted on such map.

19 (c) EXISTING RIGHTS.—The conveyance of the Fed-
20 eral land under this section shall be subject to valid exist-
21 ing rights.

22 (d) EXCHANGE PROCESS.—The Secretaries shall
23 carry out the land exchanges authorized by this section
24 in the manner provided in section 206 of the Federal Land
25 Policy and Management Act of 1976 (43 U.S.C. 1716)

1 and subject to the terms and conditions of such section
2 and regulations promulgated to implement such section.

3 (e) MAPS AND LEGAL DESCRIPTIONS.—

4 (1) REQUIRED.—As soon as practicable after
5 completion of the land exchange authorized by sub-
6 section (a), the Secretary of Agriculture shall file
7 with the Committee on Natural Resources of the
8 House of Representatives and the Committee on En-
9 ergy and Natural Resources of the Senate a map
10 and legal description of the Federal land and private
11 land exchanged under such subsection. As soon as
12 practicable after completion of the land exchange au-
13 thorized by subsection (b), the Secretary of the Inte-
14 rior shall file with such committees a map and legal
15 description of the Federal land and private land ex-
16 changed under such subsection.

17 (2) FORCE AND EFFECT.—The maps and legal
18 descriptions filed under paragraph (1) shall have the
19 same force and effect as if included in this Act, ex-
20 cept that the Secretary concerned may correct cler-
21 ical and typographical errors in a map and descrip-
22 tion.

23 (3) PUBLIC INSPECTION.—The maps and legal
24 descriptions shall be on file and available for public

1 inspection in the appropriate offices of the Secretary
2 concerned.

3 **SEC. 805. CONVEYANCE FOR APPLE VALLEY OFF-HIGHWAY**
4 **VEHICLE RECREATION AREA.**

5 (a) DEFINITIONS.—In this section:

6 (1) TOWN.—The term “Town” means the town
7 of Apple Valley, California.

8 (2) MAP.—The term “Map” means the map en-
9 titled “Conveyance to Town of Apple Valley” and
10 dated June 1, 2015.

11 (b) CONVEYANCE OF FEDERAL LAND TO TOWN.—

12 (1) CONVEYANCE REQUIRED.—Within five
13 years after the date of the enactment of this Act, the
14 Secretary of the Interior shall convey to the Town,
15 without consideration, all right, title, and interest of
16 the United States in and to the surface estate of ap-
17 proximately 4,630 acres of land depicted on the Map
18 as “Proposed Conveyance Area”.

19 (2) EXISTING RIGHTS AND MINERAL ESTATE.—
20 The conveyance under this subsection—

21 (A) is subject to valid existing rights; and

22 (B) does not include the mineral estate.

23 (c) USE OF CONVEYED LAND.—

24 (1) IN GENERAL.—The land conveyed under
25 subsection (b) may be used by the Town for any

1 public purpose authorized in paragraph (2), con-
2 sistent with the Act of June 14, 1926 (commonly
3 known as the Recreation and Public Purposes Act;
4 43 U.S.C. 869 et seq.).

5 (2) AUTHORIZED PURPOSES.—The purposes of
6 the conveyance under subsection (b) are to permit
7 the Town to use the conveyed land—

8 (A) to provide a suitable location for the
9 establishment of a centralized off-road vehicle
10 recreation park;

11 (B) to provide the public with opportuni-
12 ties for off-road vehicle recreation, including a
13 location for races, competitive events, training
14 and other commercial services that directly sup-
15 port a centralized off-road vehicle recreation
16 area and Town park; and

17 (C) to provide a designated area and facili-
18 ties that would discourage unauthorized use of
19 off-highway vehicles in areas that have been
20 identified by the Federal Government, the State
21 of California, or the County as containing envi-
22 ronmentally sensitive land.

23 (3) DISPOSAL PROHIBITED.—The land con-
24 veyed under subsection (b) may not be disposed of

1 by the Town without the approval of the Secretary
2 of the Interior.

3 (d) TEMPORARY REVERSIONARY INTEREST.—During
4 the five-year period beginning on the date of the convey-
5 ance of the land under subsection (b), if the Secretary of
6 the Interior determines that the Town has disposed of the
7 conveyed land in violation of subsection (c)(3) or has failed
8 to establish the off-road vehicle recreation park, title to
9 the land shall revert to the United States, at the option
10 of the Secretary. At the end of the five-year period, the
11 Secretary shall release the reversionary interest.

12 (e) DESIGNATION OF APPLE VALLEY OFF-HIGHWAY
13 VEHICLE RECREATION AREA.—The land identified on the
14 Map as “Proposed Conveyance Area” and conveyed under
15 this section shall be known and designated as the “Apple
16 Valley Off-Highway Vehicle Recreation Area”.

17 (f) MANAGEMENT PLAN.—The Secretary may de-
18 velop a special management plan for the Apple Valley Off-
19 Highway Vehicle Recreation Area to enhance the safe use
20 of off-highway vehicles for recreational purposes.

21 **SEC. 806. CONVEYANCE TO CITY OF TWENTYNINE PALMS,**
22 **CALIFORNIA.**

23 (a) DEFINITIONS.—In this section:

24 (1) CITY.—The term “City” means the City of
25 Twentynine Palms, California.

1 (2) MAP.—The term “Map” means the map en-
2 titled “Proposed Conveyance to Twentynine Palms”
3 and dated September 18, 2015.

4 (b) CONVEYANCE OF FEDERAL LAND TO CITY.—

5 (1) CONVEYANCE REQUIRED.—Within one year
6 after the date of the enactment of this Act, the Sec-
7 retary of the Interior shall convey to the City, with-
8 out consideration, all right, title, and interest of the
9 United States in and to the surface estate of the
10 land depicted on the Map as “Proposed Conveyance
11 to Twentynine Palms”.

12 (2) EXISTING RIGHTS AND MINERAL ESTATE.—

13 The conveyance under this subsection—

14 (A) is subject to valid existing rights; and

15 (B) does not include the mineral estate.

16 **SEC. 807. CONVERSION OF VALID, EXISTING RIGHTS.**

17 (a) CONTINUITY OF USE.—Any person claiming in
18 good faith to have valid, existing rights to lands to be ex-
19 changed or conveyed in this Act, including but not limited
20 to Southern California Edison Company, Pacific Gas and
21 Electric Company, and Southern California Gas Company,
22 may continue to exercise such rights to the same extent
23 that the rights were exercised before the date of the enact-
24 ment of this Act until the Secretary of the Interior or the
25 Secretary of Agriculture, depending on jurisdiction over

1 the lands involved, makes a determination on applications
2 submitted under subsection (b)(2) or the applications are
3 deemed to be granted under subsection (c)(2).

4 (b) NOTICE AND APPLICATIONS.—Consistent with
5 sections 2800 through 2880 of title 43, Code of Federal
6 Regulations, as soon as practicable after the date of the
7 enactment of this Act and prior to any exchange or con-
8 veyance of lands under this Act, the Secretary of the Inte-
9 rior or the Secretary of Agriculture, depending on jurisdic-
10 tion over the lands involved, shall provide written notice
11 to any person that claims to have valid, existing rights,
12 such as a management agreement, easement, or other
13 right-of-way, to lands to be exchanged or conveyed that—

14 (1) the lands are to be exchanged or conveyed;
15 and

16 (2) the person claiming the valid, existing
17 rights has 60 days to submit an application to the
18 Secretary concerned requesting that the valid, exist-
19 ing rights be converted to a long-term easement or
20 other right-of-way.

21 (c) DETERMINATION.—

22 (1) DETERMINATION REQUIRED; DEADLINE.—
23 The Secretary of the Interior or the Secretary of Ag-
24 riculture, depending on jurisdiction over the lands
25 involved, shall grant or deny an application sub-

mitted under subsection (b)(2) before the end of the 180-day period beginning on the date on which the application is received. The Secretary's determination shall be considered a final action.

(2) EFFECT OF FAILURE TO MEET DEADLINE.—If the Secretary of the Interior or the Secretary of Agriculture fails to make the required determination on an application under paragraph (1) before the end of the period specified in such paragraph, that application shall be deemed to be granted. The Secretary concerned shall take such steps as may be necessary to convert the valid, existing rights to a long-term easement or other right-of-way.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. TRIBAL USES AND INTERESTS.

(a) DEFINITION.—In this section, the term “designated area” means any land designated as wilderness, a special management area, a wild or scenic river, an area of critical environmental concern, a national monument, or an addition to a unit of the National Park System under this Act.

(b) ACCESS.—The Secretary of the Interior shall ensure that members of Indian tribes have access to designated areas for traditional cultural and religious pur-

1 poses, consistent with applicable law, including Public Law
2 95–341 (commonly known as the American Indian Reli-
3 gious Freedom Act; 42 U.S.C. 1996).

4 (c) TEMPORARY CLOSURE.—

5 (1) IN GENERAL.—In accordance with applica-
6 ble law, including Public Law 95–341 (commonly
7 known as the American Indian Religious Freedom
8 Act; 42 U.S.C. 1996), and subject to paragraph (2),
9 the Secretary of the Interior, on request of an In-
10 dian tribe or Indian religious community, shall tem-
11 porarily close to general public use any portion of a
12 designated area to protect the privacy of traditional
13 cultural and religious activities in the designated
14 area by members of the Indian tribe or Indian reli-
15 gious community.

16 (2) LIMITATION.—In closing a portion of a des-
17 ignated area under paragraph (1), the Secretary
18 shall limit the closure to the smallest practicable
19 area for the minimum period necessary for the tradi-
20 tional cultural and religious activities.

21 (d) TRIBAL CULTURAL RESOURCES MANAGEMENT
22 PLAN.—

23 (1) IN GENERAL.—Not later than two years
24 after the date of enactment of this Act, the Sec-
25 retary of the Interior shall develop and implement a

1 tribal cultural resources management plan to iden-
2 tify, protect, and conserve cultural resources of In-
3 dian tribes associated with the Xam Kwatchan Trail
4 network extending from Avikwaame (Spirit Moun-
5 tain, Nevada) to Avikwlat (Pilot Knob, California).

6 (2) CONSULTATION.—The Secretary shall con-
7 sult on the development and implementation of the
8 tribal cultural resources management plan under
9 paragraph (1) with—

10 (A) each of—

- 11 (i) the Chemehuevi Indian Tribe;
- 12 (ii) the Hualapai Tribal Nation;
- 13 (iii) the Fort Mojave Indian Tribe;
- 14 (iv) the Colorado River Indian Tribes;
- 15 (v) the Quechan Indian Tribe; and
- 16 (vi) the Cocopah Indian Tribe; and

17 (B) the Advisory Council on Historic Pres-
18 ervation.

19 (3) RESOURCE PROTECTION.—The tribal cul-
20 tural resources management plan developed under
21 paragraph (1) shall—

22 (A) be based on a completed tribal cultural
23 resources survey; and

24 (B) include procedures for identifying, pro-
25 tecting, and preserving petroglyphs, ancient

1 trails, intaglios, sleeping circles, artifacts, and
2 other resources of cultural, archaeological, or
3 historical significance in accordance with all ap-
4 plicable laws and policies, including—

5 (i) chapter 2003 of title 54, United
6 States Code;

7 (ii) Public Law 95–341 (commonly
8 known as the American Indian Religious
9 Freedom Act; 42 U.S.C. 1996);

10 (iii) the Archaeological Resources Pro-
11 tection Act of 1979 (16 U.S.C. 470aa et
12 seq.);

13 (iv) the Native American Graves Pro-
14 tection and Repatriation Act (25 U.S.C.
15 3001 et seq.); and

16 (v) Public Law 103–141 (commonly
17 known as the Religious Freedom Restora-
18 tion Act of 1993; 42 U.S.C. 2000bb et
19 seq.).

20 (e) WITHDRAWAL.—Subject to valid existing rights,
21 all Federal land within the area administratively with-
22 drawn and known as the “Indian Pass Withdrawal Area”
23 is permanently withdrawn from—

24 (1) all forms of entry, appropriation, or disposal
25 under the public land laws;

1 (2) location, entry, and patent under the mining
2 laws; and

3 (3) right-of-way leasing and disposition under
4 all laws relating to minerals or solar, wind, or geo-
5 thermal energy.

6 **SEC. 902. MILITARY ACTIVITIES.**

7 Nothing in this Act—

8 (1) restricts or precludes Department of De-
9 fense motorized access by land or air—

10 (A) to respond to an emergency within a
11 wilderness area or wilderness addition des-
12 ignated by this Act; or

13 (B) to control access to the emergency site;

14 (2) prevents nonmechanized military training
15 activities previously conducted on the public lands
16 designated as a wilderness area or wilderness addi-
17 tion by this Act that are consistent with—

18 (A) the Wilderness Act (16 U.S.C. 1131 et
19 seq.); and

20 (B) all applicable laws (including regula-
21 tions);

22 (3) restricts, precludes, limits, or prevents low-
23 level overflights of military aircraft over a wilderness
24 area or wilderness addition designated by this Act,
25 the Mojave Trails Special Management Area, a

1 Monument created by this Act, or an off-highway ve-
2 hicle recreation area established by this Act, includ-
3 ing military overflights that can be seen or heard
4 within the designated areas;

5 (4) restricts, precludes, limits, or prevents flight
6 testing and evaluation in the areas described in
7 paragraph (3); or

8 (5) restricts, precludes, limits, or prevents the
9 designation or creation of new units of special use
10 airspace, or the establishment of military flight
11 training routes, over the areas described in para-
12 graph (3).

13 **SEC. 903. DEED RESTRICTIONS ON DONATED LAND WITHIN**
14 **THE CALIFORNIA DESERT CONSERVATION**
15 **AREA.**

16 Effective beginning on the date of enactment of this
17 Act, within the California Desert Conservation Area, the
18 Secretary of the Interior may—

19 (1) accept deed restrictions requested by land-
20 owners for land donated to, or otherwise acquired
21 by, the United States; and

22 (2) consistent with existing rights, create deed
23 restrictions, easements, or other third-party rights
24 relating to any public land determined by the Sec-
25 retary to be necessary—

1 (A) to fulfill the mitigation requirements
2 resulting from the development of renewable re-
3 sources or to otherwise support the development
4 of renewable resources; or

5 (B) to satisfy the conditions of—

- 6 (i) a habitat conservation plan or gen-
7 eral conservation plan established pursuant
8 to section 10 of the Endangered Species
9 Act of 1973 (16 U.S.C. 1539); or
10 (ii) a natural communities conserva-
11 tion plan approved by the State.

12 **SEC. 904. WILDLIFE MANAGEMENT.**

13 (a) IN GENERAL.—Nothing in this Act shall affect
14 or diminish the jurisdiction of the California Department
15 of Fish and Wildlife with respect to fish and wildlife man-
16 agement or conservation, including the regulation of hunt-
17 ing, fishing, and trapping, with respect to any wilderness,
18 special management area, or national monument des-
19 ignated by this Act.

20 (b) MANAGEMENT ACTIVITIES.—

21 (1) IN GENERAL.—In furtherance of the pur-
22 poses and principles of the Wilderness Act, manage-
23 ment activities to maintain or restore fish and wild-
24 life populations and the habitats to support such
25 populations shall be permitted on lands designated

1 as wilderness by this Act when consistent with wild-
2 life conservation objectives of the California Depart-
3 ment of Fish and Wildlife in accordance with appro-
4 priate policies such as those set forth in Appendix
5 B of House Report 101–405, including the occa-
6 sional and temporary use of motorized vehicles, me-
7 chanical equipment, and aircraft when such use will
8 enhance the existence of or promote healthy, viable,
9 and more naturally distributed wildlife populations
10 as determined by the California Department of Fish
11 and Wildlife, which holds the public trust responsi-
12 bility for wildlife conservation and that would en-
13 hance wilderness values and accomplish those pur-
14 poses with the minimum impact necessary to reason-
15 ably accomplish the task.

16 (2) APPLICABILITY TO ADDITIONAL LANDS.—
17 This subsection also shall apply to each of those wil-
18 derness areas established by the California Desert
19 Protection Act of 1994, including wilderness areas
20 established within the Mojave National Preserve,
21 and any public lands that were transferred to the
22 units of the National Park System known as Death
23 Valley National Park and Joshua Tree National
24 Park to increase the size of those units.

1 (c) EXISTING ACTIVITIES.—Consistent with section
2 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and
3 in accordance with appropriate policies such as those set
4 forth in Appendix B of House Report 101–405, the Cali-
5 fornia Department of Fish and Wildlife and its agents
6 shall have the authority to continue to use aircraft and
7 other motorized equipment, including helicopters, to sur-
8 vey, capture, transplant, monitor, and provide water for
9 wildlife populations, including bighorn sheep.

10 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

11 (1) IN GENERAL.—The Secretary of the Inte-
12 rior shall authorize additional structures and facili-
13 ties, as well as the continued presence of existing
14 anthropomorphic structures and facilities, for wild-
15 life water development projects where determined
16 necessary to benefit wildlife by the California De-
17 partment of Fish and Wildlife in the wilderness
18 areas and the national monuments created by this
19 Act.

20 (2) APPLICABILITY TO ADDITIONAL LANDS.—

21 This subsection shall also apply to those wilderness
22 areas established by the California Desert Protection
23 Act of 1994, as well as in those expanded areas of
24 Death Valley National Park and Joshua Tree Na-
25 tional Park that formerly were administered by the

1 Bureau of Land Management, and to the national
2 monuments and all special management areas estab-
3 lished by this Act and within the Mojave National
4 Preserve if—

5 (A) the structures and facilities will en-
6 hance, as determined by the California Depart-
7 ment of Fish and Wildlife, the wilderness values
8 or values of the national monuments or special
9 management areas, as the case may be, by pro-
10 moting healthy, viable and more naturally dis-
11 tributed wildlife populations; and

12 (B) the visual impacts of the structures
13 and facilities on the areas are minimized.

14 **SEC. 905. LIMITATION ON EXTENSION OR ESTABLISHMENT**
15 **OF NATIONAL MONUMENTS.**

16 (a) DEFINITION.—In this section, the term “des-
17 ignated area” means any land designated as an off-high-
18 way vehicle recreation area under title I, a special manage-
19 ment area under title VI or VII, or a future addition to
20 the Mojave National Preserve under section 303.

21 (b) LIMITATION.—No extension or establishment of
22 any national monument that would include any designated
23 area may be undertaken by the President under section
24 320301 of title 54, United States Code (commonly known

1 as the Antiquities Act of 1906), except by express author-
2 ization of Congress.

3 **SEC. 906. CATEGORICAL EXCLUSION FOR EASTERN INYO**
4 **COUNTY BROADBAND CORRIDOR.**

5 Notwithstanding any other provision of law, a project
6 to install and operate a fiberoptic cable by Inyo County,
7 California, along a route generally depicted on the map
8 entitled “Proposed Eastern Inyo Broadband Corridor”
9 and dated September 28, 2015, shall be eligible for a cat-
10 egorical exclusion (as defined in section 1508.4 of title 40,
11 Code of Federal Regulations) for purposes of the National
12 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
13 seq.).

○

114TH CONGRESS
1ST SESSION

H. R. 4060

To establish certain conservation and recreation areas in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2015

Mr. VARGAS introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish certain conservation and recreation areas in the State of California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Imperial Valley Desert
5 Conservation and Recreation Act of 2015”.

6 **SEC. 2. LAND CONVEYANCE, ANZA-BORREGO DESERT**
7 **STATE PARK, CALIFORNIA.**

8 (a) CONVEYANCE REQUIRED.—The Secretary, with-
9 out consideration, to the State, all right, title, and interest
10 of the United States in and to a parcel of public lands

1 administered by the Bureau of Land Management in San
2 Diego County, California, comprising approximately 934
3 acres and generally depicted as “Table Mountain Wilder-
4 ness Study Area Proposed Transfer” on the map prepared
5 at the request of Representative Juan Vargas entitled
6 “Table Mountain Wilderness Study Area Proposed Trans-
7 fer to the State” and dated October 8, 2015, for the pur-
8 pose of allowing the State to include that land as part
9 of Anza-Borrego Desert State Park.

10 (b) TIME FOR CONVEYANCE.—The Secretary shall
11 complete the conveyance of the parcel under subsection (a)
12 as soon as practicable after the termination of all mining
13 claims related to the parcel.

14 (c) MANAGEMENT.—The parcel conveyed under sub-
15 section (a) shall be managed by the State in accordance
16 with the provisions of the California Wilderness Act (Cali-
17 fornia Public Resources Code sections 5093.30–5093.40).

18 (d) WITHDRAWAL.—Subject to valid existing rights,
19 the parcel to be conveyed under subsection (a) is with-
20 drawn from—

- 21 (1) all forms of entry, appropriation, or disposal
22 under the public land laws;
23 (2) location, entry, and patent under the mining
24 laws; and

1 (3) disposition under all laws relating to min-
2 eral and geothermal leasing.

3 (e) REVERSION.—If the State ceases to manage the
4 parcel conveyed under subsection (a) as part of the State
5 Park System or in a manner inconsistent with the Cali-
6 fornia Wilderness Act (California Public Resources Code
7 sections 5093.30–5093.40), the land shall revert to the
8 Secretary, at the discretion of the Secretary, to be man-
9 aged as a Wilderness Study Area.

10 **SEC. 3. LAND CONVEYANCE, HOLTVILLE AIRPORT, IMPE-**
11 **RIAL COUNTY, CALIFORNIA.**

12 (a) CONVEYANCE AUTHORITY.—On the submission
13 of an application by Imperial County, California, the Sec-
14 retary of Transportation shall seek, in accordance with
15 section 47125 of title 49, United States Code, and section
16 2641.1 of title 43, Code of Federal Regulations (or suc-
17 cessor regulation), a conveyance from the Secretary of a
18 parcel of Federal land administered by the Bureau of
19 Land Management comprising approximately 3,500 acres
20 adjacent to the Imperial County Holtville Airport (L04)
21 for the purposes allowing the County to expand the air-
22 port.

23 (b) SEGREGATION.—With respect to the parcel de-
24 scribed in subsection (a), the Secretary, acting through
25 the Director of the Bureau of Land Management, shall—

1 (1) segregate the parcel; and

2 (2) prohibit the appropriation of the parcel
3 until the earlier of the following:

4 (A) The date on which a notice of realty
5 action terminates the application referred to in
6 subsection (a).

7 (B) The date on which a document of con-
8 veyance with regard to the parcel is published.

9 **SEC. 4. VINAGRE WASH SPECIAL MANAGEMENT AREA.**

10 (a) DEFINITIONS.—In this section:

11 (1) MANAGEMENT AREA.—The term “Manage-
12 ment Area” means the Vinagre Wash Special Man-
13 agement Area.

14 (2) MAP.—The term “map” means the map
15 prepared at the request of Representative Juan
16 Vargas entitled “Vinagre Wash Proposed Special
17 Management Area; Indian Pass Mountains and Palo
18 Verde Mountains Potential Wilderness Additions,
19 and Buzzards Peak, Milpitas Wash Potential Wil-
20 derness” and dated October 8, 2015.

21 (3) PUBLIC LANDS.—The term “public lands”
22 has the meaning given that term in section 103 of
23 the Federal Land Policy and Management Act of
24 1976 (43 U.S.C. 1702).

25 (b) VINAGRE WASH SPECIAL MANAGEMENT AREA.—

1 (1) ESTABLISHMENT.—There is established in
2 the State the Vinagre Wash Special Management
3 Area, to be managed by the El Centro Field Office
4 and the Yuma Field Office of the Bureau of Land
5 Management.

6 (2) PURPOSE.—The purpose of the Manage-
7 ment Area is to conserve, protect, and enhance—

8 (A) the plants and wildlife of the Manage-
9 ment Area; and

10 (B) the outstanding and nationally signifi-
11 cant ecological, geological, scenic, archae-
12 ological, cultural, historic, recreational, and
13 other resources of the Management Area.

14 (3) BOUNDARIES.—The Management Area shall
15 consist of the public lands in Imperial County, Cali-
16 fornia, comprising approximately 81,880 acres, as
17 generally depicted as “Proposed Special Manage-
18 ment Area” on the map.

19 (4) MAP; LEGAL DESCRIPTION.—

20 (A) IN GENERAL.—As soon as practicable,
21 but not later than three years after the date of
22 enactment of this Act, the Secretary shall sub-
23 mit a map and legal description of the Manage-
24 ment Area to—

1 (i) the Committee on Natural Re-
2 sources of the House of Representatives;
3 and

4 (ii) the Committee on Energy and
5 Natural Resources of the Senate.

6 (B) EFFECT.—The map and legal descrip-
7 tion submitted under subparagraph (A) shall
8 have the same force and effect as if included in
9 this Act, except that the Secretary may correct
10 any errors in the map and legal description.

11 (C) AVAILABILITY.—Copies of the map
12 submitted under subparagraph (A) shall be on
13 file and available for public inspection in—

14 (i) the Office of the Director of the
15 Bureau of Land Management; and

16 (ii) the appropriate office of the Bu-
17 reau of Land Management in the State.

18 (c) MANAGEMENT.—

19 (1) CERTAIN ACTIVITIES AUTHORIZED.—The
20 Secretary shall allow hiking, camping, hunting, and
21 sightseeing and the use of motorized vehicles, moun-
22 tain bikes, and horses on designated routes in the
23 Management Area in a manner that—

24 (A) is consistent with the purpose of the
25 Management Area;

1 (B) ensures public health and safety; and

2 (C) is consistent with applicable law.

3 (2) OFF-HIGHWAY VEHICLE USE.—

4 (A) IN GENERAL.—Except as otherwise
5 provided in this subsection and subject to all
6 other applicable laws, the use of off-highway ve-
7 hicles shall be permitted on routes in the Man-
8 agement Area generally depicted on the map.

9 (B) CLOSURE.—Subject to subparagraph
10 (C), the Secretary may temporarily close or per-
11 manently reroute a portion of a route described
12 in subparagraph (A) or opened pursuant to
13 subparagraph (D)—

14 (i) to prevent, or allow for restoration
15 of, resource damage;

16 (ii) to protect tribal cultural re-
17 sources, including the resources identified
18 in the tribal cultural resources manage-
19 ment survey conducted under paragraph
20 (7);

21 (iii) to address public safety concerns;

22 or

23 (iv) as otherwise required by law.

24 (C) DESIGNATION OF ADDITIONAL
25 ROUTES.—During the 3-year period beginning

on the date of enactment of this Act, the Secretary—

(i) shall accept petitions from the public regarding additional routes for off-highway vehicles in the Management Area; and

(ii) may designate additional routes that the Secretary determines—

(I) would provide significant or unique recreational opportunities; and

(II) are consistent with the purposes of the Management Area.

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Management Area is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) right-of-way, leasing, or disposition under all laws relating to—

(i) minerals; or

(ii) solar, wind, and geothermal energy.

1 (4) NO BUFFERS.—The establishment of the
2 Management Area shall not—

3 (A) create a protective perimeter or buffer
4 zone around the Management Area; or

5 (B) restrict, preclude, limit, or prevent
6 uses or activities outside the Management Area
7 that are permitted under other applicable laws,
8 even if the uses or activities are prohibited
9 within the Management Area.

10 (5) NOTICE OF AVAILABLE ROUTES.—The Sec-
11 retary shall ensure that visitors to the Management
12 Area have access to adequate notice relating to the
13 availability of designated routes in the Management
14 Area through—

15 (A) the placement of appropriate signage
16 along the designated routes;

17 (B) the distribution of maps, safety edu-
18 cation materials, and other information that the
19 Secretary determines to be appropriate; and

20 (C) restoration of areas that are not des-
21 ignated as open routes, including vertical
22 mulching.

23 (6) STEWARDSHIP.—In consultation with In-
24 dian tribes and other interested persons, the Sec-
25 retary shall develop a program to provide opportuni-

ties for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

(A) route signage;

(B) restoration of closed routes;

(C) protection of Management Area resources; and

(D) recreation education.

(7) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than 2 years after the date of enactment of this Act, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

(A) prepare and complete a tribal cultural resources survey of the Management Area; and

(B) consult with the Quechan Indian Nation and other Indian tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the tribal cultural resources survey under subparagraph (A).

(d) POTENTIAL WILDERNESS.—

(1) PROTECTION OF WILDERNESS CHARACTER.—The Secretary shall manage the public

1 lands in the Management Area described in para-
2 graph (2) in a manner that preserves the character
3 of the land for the eventual inclusion of the land in
4 the National Wilderness Preservation System.

5 (2) COVERED LANDS.—The public lands cov-
6 ered by this section are—

7 (A) the approximately 10,860 acres of
8 land, as generally depicted as the “Indian Pass
9 Additions” on the map;

10 (B) the approximately 17,250 acres of
11 land, as generally depicted as “Milpitas Wash
12 Potential Wilderness” on the map;

13 (C) the approximately 11,840 acres of
14 land, as generally depicted as “Buzzards Peak
15 Potential Wilderness” on the map; and

16 (D) the approximately 9,350 acres of land,
17 as generally depicted as “Palo Verde Mountains
18 Potential Wilderness” on the map.

19 (3) MILITARY USES OF LANDS.—The Secretary
20 shall manage the public lands covered by this section
21 in a manner that is consistent with the Wilderness
22 Act (16 U.S.C. 1131 et seq.), except that the Sec-
23 retary may authorize use of the land by the Sec-
24 retary of the Navy for Naval Special Warfare Tac-
25 tical Training, including long-range small unit train-

1 ing and navigation, vehicle concealment, and vehicle
2 sustainment training, in accordance with applicable
3 Federal laws.

4 (4) PROHIBITED USES.—The following uses are
5 prohibited on the public lands covered by this sec-
6 tion:

7 (A) Permanent roads.

8 (B) Commercial enterprises.

9 (C) Except as necessary to meet the min-
10 imum requirements for the administration of
11 the land and to protect public health and safe-
12 ty—

13 (i) the use of mechanized vehicles; and

14 (ii) the establishment of temporary
15 roads.

16 (5) WILDERNESS DESIGNATION.—

17 (A) EVENTUAL DESIGNATION.—The public
18 lands covered by this section shall be designated
19 as wilderness and either included as part of an
20 existing wilderness area or made a new compo-
21 nent of the National Wilderness Preservation
22 System on the date on which the Secretary, in
23 consultation with the Secretary of Defense,
24 publishes a notice in the Federal Register that
25 all activities on the Federal land that are in-

1 compatible with the Wilderness Act (16 U.S.C.
2 1131 et seq.) have terminated.

3 (B) DESIGNATION.—On designation of the
4 public lands as wilderness under paragraph
5 (1)—

6 (i) the land described in paragraph
7 (2)(A) shall be incorporated in, and shall
8 be considered to be a part of, the Indian
9 Pass Wilderness designated by section
10 102(27) of the California Desert Protec-
11 tion Act of 1994 (Public Law 104–433; 16
12 U.S.C. 1132 note);

13 (ii) the land described in paragraph
14 (2)(B) shall be designated as the Milpitas
15 Wash Wilderness;

16 (iii) the land described in paragraph
17 (2)(C) shall be designated as the Buzzard
18 Peak Wilderness; and

19 (iv) the land described in paragraph
20 (2)(D) shall be incorporated in, and shall
21 be considered to be a part of, the Palo
22 Verde Mountains Wilderness designated by
23 section 102(48) of the California Desert
24 Protection Act of 1994 (Public Law 104–
25 433; 16 U.S.C. 1132 note).

1 (6) ADMINISTRATION OF WILDERNESS.—Sub-
2 ject to valid existing rights, the land designated as
3 wilderness or as a wilderness addition by paragraph
4 (5)(B) shall be administered by the Secretary in ac-
5 cordance with this Act and the Wilderness Act (16
6 U.S.C. 1131 et seq.).

7 **SEC. 5. DEFINITIONS.**

8 In this Act:

9 (1) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (2) STATE.—The term “State” means the State
12 of California.

○

114TH CONGRESS
2D SESSION

H. R. 5129

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2016

Mr. LAMALFA (for himself, Mrs. LOVE, Mr. STEWART, Mr. MCCLINTOCK, and Mr. VALADAO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**
4 **TIONS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Guides and Outfitters Act” or the “GO Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; Table of contents; Definitions.
- Sec. 2. Special recreation permit and fee.
- Sec. 3. Permit across multiple jurisdictions.
- Sec. 4. Guidelines and permit fee calculation.
- Sec. 5. Use of permit fees for permit administration.
- Sec. 6. Adjustment to permit use reviews.
- Sec. 7. Authorization of temporary permits for new uses for the Forest Service
and BLM.
- Sec. 8. Indemnification requirements.
- Sec. 9. Streamlining of permitting process.
- Sec. 10. Cost recovery reform.
- Sec. 11. Extension of Forest Service recreation priority use permits.

3 (c) DEFINITIONS.—In this Act:

4 (1) SECRETARY.—The term “Secretary”
 5 means—

6 (A) the Secretary of the Interior, with re-
 7 spect to a Federal land management agency
 8 (other than the Forest Service); and

9 (B) the Secretary of Agriculture, with re-
 10 spect to the Forest Service.

11 (2) SECRETARIES.—The term “Secretaries”
 12 means the Secretary of the Interior and the Sec-
 13 retary of Agriculture acting jointly.

14 **SEC. 2. SPECIAL RECREATION PERMIT AND FEE.**

15 Subsection (h) of section 803 of the Federal Lands
 16 Recreation Enhancement Act (16 U.S.C. 6802) is amend-
 17 ed to read as follows:

18 “(h) SPECIAL RECREATION PERMIT AND FEE.—

19 “(1) IN GENERAL.—The Secretary may—

1 “(A) issue a special recreation permit for
2 Federal recreational lands and waters; and

3 “(B) charge a special recreation permit fee
4 in connection with the issuance of the permit.

5 “(2) SPECIAL RECREATION PERMITS.—The
6 Secretary may issue special recreation permits in the
7 following circumstances:

8 “(A) For specialized individual and group
9 use of Federal facilities and Federal rec-
10 reational lands and waters, such as, but not
11 limited to, use of special areas or areas where
12 use is allocated, motorized recreational vehicle
13 use, and group activities or events.

14 “(B) To recreation service providers who
15 conduct outfitting, guiding, and other recre-
16 ation services on Federal recreational lands and
17 waters managed by the Forest Service, Bureau
18 of Land Management, Bureau of Reclamation,
19 or the United States Fish and Wildlife Service.

20 “(C) To recreation service providers who
21 conduct recreation or competitive events, which
22 may involve incidental sales on Federal rec-
23 reational lands and waters managed by the For-
24 est Service, Bureau of Land Management, Bu-

1 reau of Reclamation, or the United States Fish
2 and Wildlife Service.

3 “(3) REDUCTION IN FEDERAL COSTS.—To re-
4 duce Federal costs in administering this subsection,
5 the issuance of a new special recreation permit for
6 activities under paragraph (2) that have been con-
7 sidered under previous analysis or that are similar
8 to existing uses or are not inconsistent with ap-
9 proved uses shall qualify for categorical exclusions
10 under the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.).”.

12 **SEC. 3. PERMIT ACROSS MULTIPLE JURISDICTIONS.**

13 (a) IN GENERAL.—In the case of an activity requir-
14 ing permits pursuant to subsection (h) of section 803 of
15 the Federal Lands Recreation Enhancement Act (16
16 U.S.C. 6802) for use of lands managed by both the Forest
17 Service and the Bureau of Land Management—

18 (1) the Secretaries may issue a joint permit
19 based upon a single application to both agencies
20 when issuance of a joint permit based upon a single
21 application will lower processing and other adminis-
22 tration costs for the permittee, provided that the
23 permit applicant shall have the option to apply for
24 separate permits rather than a joint permit; and

1 (2) the permit application required under clause

2 (i) shall be—

3 (A) the application required by the lead

4 agency; and

5 (B) submitted to the lead agency.

6 (b) REQUIREMENTS OF THE LEAD AGENCY.—The

7 lead agency for a permit under subsection (a) shall—

8 (1) coordinate with the associated agencies,

9 consistent with the authority of the Secretaries

10 under section 330 of the Department of the Interior

11 and Related Agencies Appropriations Act, 2001 (43

12 U.S.C. 1703), to develop and issue the single, joint

13 permit that covers the entirety of the trip;

14 (2) in processing the joint permit application,

15 incorporate the findings, interests, and needs of the

16 associated agencies, provided that such coordination

17 shall not be subject to cost recovery; and

18 (3) complete the permitting process within a

19 reasonable time after receiving the permit applica-

20 tion.

21 (c) EFFECT ON REGULATIONS.—Nothing in this sec-

22 tion shall alter, expand, or limit the applicability of any

23 Federal law (including regulations) to lands administered

24 by the relevant Federal agencies.

25 (d) DEFINITIONS.—In this section:

1 (1) ASSOCIATED AGENCY.—The term “associ-
2 ated agency” means an agency that manages the
3 land on which the trip of the special recreation per-
4 mit applicant will enter after leaving the land man-
5 aged by the lead agency.

6 (2) LEAD AGENCY.—The term “lead agency”
7 means the agency that manages the land on which
8 the trip of the special recreation permit applicant
9 will begin.

10 **SEC. 4. GUIDELINES AND PERMIT FEE CALCULATION.**

11 (a) GUIDELINES AND EXCLUSION OF CERTAIN REV-
12 ENUES.—The Secretary shall—

13 (1) publish guidelines in the Federal Register
14 for establishing recreation permit fees; and

15 (2) provide appropriate deductions from the fee
16 established under paragraph (1) for—

17 (A) revenue from goods, services, and ac-
18 tivities provided by a recreation service provider
19 outside Federal recreational lands and waters,
20 such as costs for transportation, lodging, and
21 other services before or after a trip; and

22 (B) fees to be paid by permit holder under
23 applicable law to provide services on other Fed-
24 eral lands, if separate permits are issued to
25 that permit holder for a single event.

1 (b) FEE CONDITIONS.—The fee charged by the Sec-
2 retary for a permit issued under section 803(h) of the
3 Federal Lands Recreation Enhancement Act (16 U.S.C.
4 6802(h)) shall not exceed 3 percent of the recreational
5 service provider’s annual gross revenue for activities au-
6 thorized by the permit on Federal lands, plus applicable
7 revenue additions, minus applicable revenue exclusions or
8 a similar flat per person fee.

9 (c) DISCLOSURE OF FEES.—A holder of a special
10 recreation permit may inform its customers of the various
11 fees charged by the Secretary under section 803(h) of the
12 Federal Lands Recreation Enhancement Act (16 U.S.C.
13 6802(h)).

14 **SEC. 5. USE OF PERMIT FEES FOR PERMIT ADMINISTRA-**
15 **TION.**

16 Revenues from special recreation permits issued to
17 recreation service providers under subparagraphs (B) and
18 (C) of section 803(h)(1) of the Federal Lands Recreation
19 Enhancement Act (16 U.S.C. 6802(h)(1)) shall be used—

20 (1) to partially offset the Secretary’s direct cost
21 of administering the permits; and

22 (2) to improve and streamline the permitting
23 process.

1 **SEC. 6. ADJUSTMENT TO PERMIT USE REVIEWS.**

2 (a) IN GENERAL.—In reviewing and adjusting alloca-
3 tions of use for priority use permits for special uses of
4 Federal recreational lands and waters managed by the
5 Forest Service, and in renewing such permits, the Sec-
6 retary of Agriculture shall allocate to a permit holder the
7 highest amount of actual annual use over the reviewed pe-
8 riod plus 25 percent, capped at the amount of use allo-
9 cated when the permit was issued unless additional capac-
10 ity is available.

11 (b) WAIVER.—Use reviews under subsection (a) may
12 be waived for periods in which circumstances that pre-
13 vented use of assigned capacity, such as weather, fire, nat-
14 ural disasters, wildlife displacement, business interrup-
15 tions, and when allocations on permits include significant
16 shoulder seasons. The authorizing office may approve non-
17 use without reducing the number of service days assigned
18 to the permit in such circumstances at the request of the
19 permit holder. Approved non-use may be temporarily as-
20 signed to other qualified permit holders when conditions
21 warrant.

22 **SEC. 7. AUTHORIZATION OF TEMPORARY PERMITS FOR**
23 **NEW USES FOR THE FOREST SERVICE AND**
24 **BLM.**

25 Not later than 180 days after the date of the enact-
26 ment of this Act, the Secretary of Agriculture and the Sec-

1 retary of the Interior shall establish and implement a pro-
2 gram to authorize temporary permits for new recreational
3 uses of Federal recreational lands and waters managed by
4 the Forest Service or the Bureau of Land Management,
5 respectively, and to provide for the conversions of such
6 temporary permits to long-term permits after 2 years of
7 satisfactory operation. The issuance and conversion of
8 such permits shall be subject to subsection (h)(3) of sec-
9 tion 803 of the Federal Lands Recreation Enhancement
10 Act (16 U.S.C. 6802).

11 **SEC. 8. INDEMNIFICATION REQUIREMENTS.**

12 (a) INDEMNIFICATION.—A permit holder that is pro-
13 hibited by the State from providing indemnification to the
14 Federal Government shall be considered to be in compli-
15 ance with indemnification requirements of the Department
16 of the Interior and the Department of Agriculture if the
17 permit holder carries the required minimum amount of li-
18 ability insurance coverage or is self-insured for the same
19 minimum amount.

20 (b) EXCULPATORY AGREEMENTS.—The Secretary
21 shall not implement, administer or enforce any regulation
22 or policy prohibiting the use of exculpatory agreements be-
23 tween recreation service providers and their customers for
24 services provided under a special recreation permit when

1 such agreements are enforceable pursuant to the law of
2 the State in which the permitted services are provided.

3 **SEC. 9. STREAMLINING OF PERMITTING PROCESS.**

4 (a) REGULATIONS.—Not later than 180 days after
5 the date of the enactment of this Act, the Secretaries shall
6 revise part 251, subpart B, of title 36 Code of Federal
7 Regulations, and subpart 2932, of title 43, Code of Fed-
8 eral Regulations to streamline the processes for the
9 issuance and renewal of outfitter and guide special use
10 permits. Such amended regulations shall—

11 (1) shorten application processing times and
12 minimize application and administration costs; and

13 (2) provide for the use of programmatic envi-
14 ronmental assessments and categorical exclusions for
15 environmental reviews under the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
17 for the issuance or renewal of outfitter and guide
18 and similar recreation special use permits, to the
19 maximum extent allowable under applicable law, in-
20 cluding, but not limited to, use of a categorical ex-
21 clusion for the issuance of a new special recreation
22 permit for activities under paragraph (2)(B) of sub-
23 section (h) of section 803 of the Federal Lands
24 Recreation Enhancement Act (16 U.S.C. 6802) that
25 have been considered under previous analysis or that

1 are similar to existing uses or are not inconsistent
2 with approved uses.

3 (b) ONLINE APPLICATIONS.—To the maximum ex-
4 tent practicable, where feasible and efficient, the Secre-
5 taries shall make special recreation permit applications
6 available to be filled out and submitted online.

7 **SEC. 10. COST RECOVERY REFORM.**

8 (a) REGULATORY PROCESS.—Not later than 180
9 days after the date of enactment of this Act, the Secre-
10 taries shall revise section 251.58 of title 36, Code of Fed-
11 eral Regulations, and section 2932.31(e) and (f) of title
12 43, Code of Federal Regulations, to reduce costs and mini-
13 mize the burden of cost recovery on small businesses and
14 adverse impacts of cost recovery on jobs in the outfitting
15 and guiding industry and on rural economies provided,
16 however, that nothing in the revised regulations shall fur-
17 ther limit the Secretaries' authority to issue or renew
18 recreation special use permits.

19 (b) DE MINIMIS EXEMPTION.—

20 (1) COST RECOVERY LIMITATION.—Any regula-
21 tions issued by the Secretary of the Interior or the
22 Secretary of Agriculture to establish fees to recover
23 processing costs for recreation special use applica-
24 tions and monitoring costs for recreation special use
25 authorizations shall include an exemption providing

1 that at least the first 50 hours of work necessary in
2 any one year to process and/or monitor such an ap-
3 plication shall not be subject to cost recovery. The
4 application of a 50-hour credit per permit shall also
5 apply to any monitoring fees on a per annum basis
6 during the term of each permit.

7 (2) APPLICATION OF EXEMPTION.—An exemp-
8 tion under paragraph (1) shall apply to the proc-
9 essing of each recreation special use permit applica-
10 tion and monitoring of each recreation special use
11 authorization for which cost recovery is required, in-
12 cluding any application or authorization requiring
13 more than 50 hours (or such other greater number
14 of hours specified for exemption) to process or mon-
15 itor. In the event that the amount of work required
16 to process such an application or monitor such an
17 authorization exceeds the specified exemption, the
18 amount of work for which cost recovery is required
19 shall be reduced by the amount of the exemption.

20 (3) MULTIPLE APPLICATIONS.—In situations
21 involving multiple recreation special use applications
22 for similar services in the same unit or area that re-
23 quire more than 50 hours (or such other greater
24 number of hours specified for exemption) in the ag-
25 gregate to process, the Secretary shall, regardless of

1 whether the applications are solicited or unsolicited
2 and whether there is competitive interest—

3 (A) determine the share of the aggregate
4 amount to be allocated to each application, on
5 an equal or prorated basis, as appropriate; and

6 (B) for each application, apply a separate
7 exemption of up to 50 hours (or such other
8 greater number of hours specified for exemp-
9 tion) to the share allocated to such application.

10 (4) COST REDUCTION.—The agency processing
11 a recreation special use application shall utilize ex-
12 isting studies and analysis to the greatest extent
13 practicable in order to reduce the amount of work
14 and cost necessary to process the application.

15 (5) LIMITATION.—The Secretary of the Interior
16 and the Secretary of Agriculture may not recover as
17 processing costs for recreation special use applica-
18 tions and monitoring costs for recreation special use
19 authorizations any costs for consultations conducted
20 under section 7 of the Endangered Species Act of
21 1973 (16 U.S.C. 1536) or for biological monitoring
22 on Federal recreational lands and waters under such
23 Act for listed, proposed, or candidate species.

24 (6) WAIVER OF COST RECOVERY.—The Sec-
25 retary of the Interior and the Secretary of Agri-

1 culture may waive the recovery of costs for proc-
2 essing recreation special use permit applications and
3 renewals, on a categorical or case-by-case basis as
4 appropriate, if the Secretary determines that—

5 (A) such costs would impose a significant
6 economic burden on any small business or cat-
7 egory of small businesses;

8 (B) such cost recovery could threaten the
9 ability of an applicant or permittee to provide,
10 in a particular area, a particular outdoor rec-
11 reational activity that is consistent with the
12 public interest and with applicable resource
13 management plans; or

14 (C) prevailing economic conditions are un-
15 favorable, such as during economic recessions,
16 or when drought, fire, or other natural disasters
17 have depressed economic activity in the area of
18 operation.

19 **SEC. 11. EXTENSION OF FOREST SERVICE RECREATION**
20 **PRIORITY USE PERMITS.**

21 Where the holder of a special use permit for outfitting
22 and guiding that authorizes priority use has submitted a
23 request for renewal of such permit in accordance with ap-
24 plicable laws and regulations, the Secretary of Agriculture
25 shall have the authority to grant the holder one or more

1 extensions of the exiting permit for additional items not
2 to exceed 5 years in the aggregate, as necessary to allow
3 the Secretary to complete the renewal process and to avoid
4 the interruption of services under such permit. Before
5 granting an extension under this section, the Secretary
6 shall take all reasonable and appropriate steps to complete
7 the renewal process before the expiration of the special
8 use permit.

○